SANTA CLARA VALLEY WATER DISTRICT

WATERWAYS PLANNING STUDY

GENERAL REPORT

CHAPTERS 8 - 11

SANTA CLARA VALLEY WATER DISTRICT
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CHAPTER 8
FUNDING

Introduction

Funding sources have been divided into seven categories based on the main emphasis of each program and how funds may be obtained. The seven categories are:

I. Emergency Response Funds

II. Federal Non-Emergency Project Funds

III. Funds for Culvert Enlargements

IV. Funds for Rehabilitation of Developed Areas

V. Parks and Recreation Funds

VI. Funds for Undeveloped Areas

VII. Local Funds

The funding sources within each category are listed in Table 1 along with a summary of their usefulness in funding the various ELEMENTS of a flood damage reduction and stream management program. Some of the programs described in this chapter could be classified into more than one of the above eight categories. Table 2 shows the multiple or overlapping applicability of some programs. Table 3 summarizes the major advantages and disadvantages, or benefits and constraints, of each funding source. Following Table 3, each funding source in each category is discussed in detail.

Each of the programs described in this document will be updated annually to reflect changes in legislation and funding levels, and to include information gained from experience with the programs. It is anticipated that most of the federal and State programs will be changing significantly in the next few years. Updating will require following these changes in the Federal Register, NAUFMA Monthly News, and other sources; input will be requested from agency contacts listed for each program and from District divisions who are currently using or have recently used each program. The status of each program described in this document is current as of April 1985.

FUNDING PROGRAM	CONSTRAINTS/DISADVANTAGES	BENEFITS/ADVANTAGES
STATE NATURAL DISASTER ASSISTANCE Office of Emergency Services	1. County Board of Supervisors must declare a natural disaster within ten days of occurrence. 2. All local resources must be used before the OES will offer State Natural Disaster Assistance. The Director of OES must concur that a disaster has occurred. 3. Applications for assistance must be submitted within 30 days of the event. 4. Eligible costs are those incurred in construction of permanent flood control improvement, repair, or replacement projects. 5. Local agencies must put up matching funds, based on sliding scale. 6. Costs of repairs undertaken prior to State agreement are not reimburseable.	1. When a natural disaster has occurred and the County has declared it, some permanent flood control works may be funded.
FEDERAL DISASTER ASSISTANCE Federal Emergency Management Agency	1. Requires Presidential declaration of state of emergency and/or disaster. 2. All floodfighting costs and some improvement to damaged facilities are eligible for reimbursement; not included are regular salaries of District employees and taxes on items of purchase or repair. 3. Application must be submitted within 30 days of emergency declaration and 90 days of major disaster declaration.	1. Major program for reimbursement of floodfighting and flood repair costs. 2. Provides a broad range of assistance to private citizens who are victims of flooding as well as to public agencies. 3. Financial assistance has ranged from $2 to $40 million per disaster. Nationwide budget is approximately $380,000,000.
EMERGENCY WATERSHED PROTECTION (SECTION 216 OR SECTION 403 PROJECTS) Soil Conservation Service	1. Damages must be result of a major storm. 2. Assistance provides 80% of construction costs. Local agencies must provide remaining 20% construction costs and design coordination costs. 3. Local agency must provide the federal "ABC" requirements. 4. Project must be economically justified, B/C greater than 1. 5. Project must be engineeringly and environmentally feasible. 6. Project must benefit more than one beneficiary.	1. Erosion repair work can be accomplished. 2. District has used this program in the past and is familiar with implementation.
FLOODFIGHTING AND REHABILITATION OF FLOOD CONTROL WORKS (PL 99) Corps of Engineers	1. For floodfighting: there must be an immediate threat of unusual flooding present as predicted by the National Weather Service, such that if action is not taken immediately, damage will occur. 2. For rehabilitation: protective work must have a B/C greater than 1 (i.e., potential damages exceed cost of repair). 3. Must be engineeringly feasible; rehabilitation and repair are restricted to flood control works. 4. Generally it is required that work be completed before onset of next flood season. 5. The Federal "ABC" requirements must be met. 6. Cost for improvements or increased protection beyond those provided by the pre-flood structure must be borne by the local entity. 7. PL99 does not extend to removal of temporary protective works after flood threat has passsed. 8. Post-flood debris clearance and cleanup is not authorized. 9. Applications for repair and rehabilitation assistance must be made within 90 days of a flood.	1. The program is part of the emergency resources available to the District. 2. Most likely candidates are facilities such as levees and floodwalls and urgent erosion problems in urban areas.

FUNDING PROGRAM	CONSTRAINTS/DISADVANTAGES	BENEFITS/ADVANTAGES
FLOODFIGHTING, SECTION 128 Department of Water Resources	1. The emergency must exist prior to or during an extraordinary disaster event and not as a result of an accumulation of prior events or lack of maintenance. 2. All other floodfighting resources of local governments, regular DWR emergency funds, other federal programs must be exhausted. 3. Work done after a flood event has passed (rehabilitation and repair) is not authorized for assistance. 4. Primarily intended to assist with fire-damaged watersheds.	1. Eligible work includes sandbagging and other strengthening efforts to protect levees and other general flood protection works during periods of actual or forecasted high water. 2. Also eligible is clearing major watercourses of substantial obstructions during storm conditions where flooding is occurring or below a burned watershed. 3. Reimbursement for floodfighting efforts can be made at a later date if accurate records are kept.
EMERGENCY BANK PROTECTION (SECTION 14) Corps of Engineers	1. Aimed at providing bank protection of highways, bridges and essential public works, or protection of urban areas. 2. Federal cost limit of $250,000 (includes cost of preparing a report) for any one year and locality. 3. Time required for implementation is approximately one year to project approval and one year for design and construction. 4. Project must be economically justified, B/C greater than 1. 5. Project must be engineeringly and environmentally feasible. 6. Local agency must supply the "ABC" requirements.	1. Could be useful to provide permanent solution to flood-damaged channels in urban areas. 2. State reimbursement program provides percentage of local costs.
STATE DISASTER PREPAREDNESS GRANTS Office of Emergency Services	1. Yearly state allocation of not more than $25,000. 2. Matching requirement: 50% cash or in-kind contribution by State or local government.	1. Funds may be used for: • disaster-related emergency systems • public information and education programs • long-range disaster recovery • disaster mitigation and hazard reduction
SMALL WATERSHED PROJECTS (PL566 PROJECTS) Soil Conservation Service	1. Watershed area must not exceed 250,000 acres. 2. Entire watershed must be in Resource Conservation District. 3. Watershed should be at least 50% rural. 4. Total capacity of one reservoir limited to 25,000 acre-feet and 12,500 acre-feet floodwater detention capacity. 5. Time required to authorization of funds is at least four years. 6. B/C must be greater than 1. 7. Range of assistance: $20,000 to $13,000,000; average is $2,000,000. 8. Project must be engineeringly and environmentally feasible. 9. Local agency must provide the "ABC" requirements.	1. Provides financial assistance for non-structural and structural flood control alternatives. 2. State reimbursement program provides percentage of local costs. 3. If federal costs are under $5 million, no approval from Congress is needed; State Conservationist can authorize project.
SMALL FLOOD CONTROL PROJECTS (SECTION 205 PROJECTS) Corps of Engineers	1. Federal cost limit of $4,000,000. 2. Project must be economically feasible (B/C greater than 1). 3. Project must be "complete and separable" solution to the flooding problem. 4. Project must be engineeringly and environmentally feasible. 5. Requires 3-8 years from initiation of reconnaisance report to completion of construction. 6. Local agency must satisfy the "ABC" requirements.	1. Requires less time than regular Congressionally approved Corps projects. 2. State reimbursement program provides a percentage of required local costs.

TABLE 3, continued

FUNDING PROGRAM	CONSTRAINTS/DISADVANTAGES	BENEFITS/ADVANTAGES
LARGE FLOOD CONTROL PROJECTS Corps of Engineers	1. There must be some "federal interest" in the project. 2. Project must be economically justified (B/C greater than 1). 3. Project must be engineeringly feasible. 4. Project must be environmentally feasible, and conform to constraints specified in legislation. 5. Requires a certain level of public participation and local support. 6. Usually requires a long time for authorization and completion of studies. 7. District must supply the Federal "ABC" requirements.	1. Studies can be initiated or resumed any time after the initial authorization. 2. State reimbursement program will assist with the local costs of right of way, recreation, fish and wildlife, etc. 3. 1936 Flood Control Act requires 50% or greater contribution from the Federal government, so if construction costs are less than 50%, some local costs will be picked up. 4. This program is a way to accomplish very large scale flood control projects.
SNAGGING AND CLEARING FOR FLOOD CONTROL Corps of Engineers	1. Federal cost limit of $250,000 (includes cost of report). 2. Project must be economically justified (B/C greater than 1). 3. Not useful for erosion repair; program is aimed at channel excavation and clearing. 4. Project must be complete within itself. 5. Project must be engineeringly and environmentally feasible. 6. Time required from initiation to completion of project is about one year. 7. Local agency must provide the "ABC" requirments.	1. Could be useful for channel clearing in urban areas.
SMALL NAVIGATION PROJECTS Corps of Engineers	1. Federal cost limit of $2,000,000. 2. Aimed at small river and harbor improvement. 3. Usually requires more than four years from initiation of report to completion of construction. 4. Local agency must provide "ABC" requirements.	1. May be an application in the Alviso or Palo Alto area. 2. State reimbursement program for a percentage of local costs.
SMALL RECLAMATION PROJECTS (PL984 PROJECTS) Bureau of Reclamation	1. This is mainly a loan program, with grants for flood control costs and a portion of fish and wildlife and recreation costs. 2. Aimed at multipurpose projects such as water supply, recreation development, fish and wildlife, etc. Program is suitable for dams and reservoirs, not really for channel work. 3. Project must be economically justified (B/C greater than 1). 4. Project must be engineeringly and environmentally feasible. 5. District must pay for the Bureau's evaluation of application. 6. Time required to application approval is two to three years. 7. District must provide the "ABC" requirements including necessary water rights.	1. If a reservoir includes significant flood control benefits, the program would be useful to offset costs. 2. State reimbursement program provides a percentage of local costs.
STATE REIMBURSEMENT OF LOCAL SHARE OF FEDERAL PROJECTS Department of Water Resources	1. Cost-sharing is limited to reimbursement of all or a portion of the costs of rights of way and relocation needed for construction of flood control features and 50 percent of the nonfederal capital costs of recreation and fish and wildlife enhancement features. 2. Some policy issues are not resolved concerning induced floodwaters, mitigation measures, etc.	1. Extends the usefulness of Federal programs which are limited to construction costs.

TABLE 3, continued

FUNDING PROGRAM	CONSTRAINTS/DISADVANTAGES	BENEFITS/ADVANTAGES
CAPITAL IMPROVEMENT PROGRAMS City or County	1. Money available for flood control work will not fund large-scale projects, maybe portions of large-scale project such as bridges. 2. Requires cooperation and coordination with cities or county. 3. District has little control over money earmarked for flood control work; unless money is obligated fairly quickly it may end up being used for other capital improvements or local drainage projects.	1. Communities take active responsibility and contribute financially to solving flooding problems. 2. Cities and county have a broad variety of resources to draw upon for implementing capital improvements. Though some sources may not help accomplish flood damage reduction measures directly they may free other funds for that purpose.
FEDERAL AID HIGHWAY PROGRAM State Highway Agency (CALTRANS)	1. Formula and matching requirements: Federal share is 90% for Interstate and safety projects, 80% for bridge replacement and rehabilitation and 75% for most other projects. 2. Evaluation of bridges for repair/replacement includes many factors of which "waterway adequacy" is only a small part. 3. For repair following disaster, a declaration of disaster must have been made by the governor.	1. Useful where bridges and culverts must be replaced because they are inadequate hydraulically and with respect to traffic or structural design. 2. Useful for replacement or repair of flood-damaged culverts or bridges which are hydraulically inadequate.
COMMUNITY REDEVELOPMENT City or County	1. Projects must promote a stronger, expanded community tax base, attract private investment. 2. Money available for flood control work will not fund large-scale projects, maybe portions of large-scale projects such as bridges. 3. Requires cooperation and coordination with cities. 4. District has little control over money earmarked for flood control work; unless money is obligated quickly it may end up being used for other redevelopment projects.	1. Redevelopment agencies have a broad variety of resources to draw upon for implementing redevelopment projects. Though some sources may not be useful to accomplish flood damage reduction measures directly, they may free other funds for that purpose. 2. There are a number of existing redevelopment agencies and project areas in Santa Clara County.
COMMUNITY DEVELOPMENT BLOCK GRANT Housing and Urban Development (implemented through city and county)	1. Flood control work qualifies as an eligible activity only when there is no assistance from other federal laws or programs. 2. Limited annual funding available in the program (approximately $2 to $3 million for urban county program, and up to $1 million for entitlement city), with the exception of City of San JOse who has received over $7 million.	1. Availability of these funds might allow cities and redevelopment agencies to use other funds for flood damage reduction measures.
GRANTS AND LOANS FOR PUBLIC WORKS AND DEVELOPMENT FACILITIES Economic Development Administration	1. Project proposals must conform to an Overall Economic Development Program (OEDP) for an eligible area; only City of San Jose currently has an OEDP. 2. Projects must fulfill a pressing need of the area and tend to improve long-term employment, the establishment of industrial/commercial plants, or the commercial plants, or the economic situation of long-term unemployed or low-income families. 3. Basic grants are up to 50% of project cost. Range has been $5,000 to $7,138,000, with average grant of $580,000. In FY 1979, 258 projects were approved for a total of $205,020,000.	1. Might be useful in the City of San Jose to fund projects in San Jose's Redevelopment Area, for example, bridges. 2. Sometimes the EDA requests local public works projects proposals to create job opportunities for unemployed construction workers. These require no OEDP establishment. The District might be able to accomplish some work through this kind of program.

FUNDING PROGRAM	CONSTRAINTS/DISADVANTAGES	BENEFITS/ADVANTAGES
DRAINAGE FEES City or County	1. Must be a low ratio of project cost to total area protected, or total units of development, so that fee will be realistic. 2. Need cooperation with city or county; otherwise funds collected may be used for local drainage projects, not the necessary flood control work. 3. Fees are not an ongoing source of revenue - useful for capital improvements but not maintenance. 4. Difficulties in implementation (estimation of future development, delineation of areas, etc.) 5. Time lag between establishment of area and collection of sufficient funds to build project. 6. Funds collected in the city jurisdiction are used for projects within city limits, and similarly for the county.	1. Direct relationship between cause of flood control problems and funding of solutions. 2. Can be used where developer-construction is not feasible; e.g., if there would be downstream impacts such that a larger project is required. 3. Tends to discourage marginal development in floodprone areas. 4. Some flood control work may be accomplished sooner with availability of these funds.
SPECIAL BENEFIT ZONES City or County	1. Must be a low ratio of project cost to total area protected, or total units of development, so that fee will be realistic. 2. Need cooperation with city or county. 3. Fees are not an ongoing source of revenue - useful for capital improvements but not maintenance. 4. Difficulties in implementation (estimation of future development, delineation of areas, etc.) 5. Funds collected in the city jurisdiction are used for projects within city limits and similarly for the county.	1. Direct relationship between cause of flood control problems and funding of solutions. 2. Can be used where developer-construction is not feasible; e.g. if there would be downstream impacts such that a larger project is required. 3. Tends to discourage marginal development in floodprone areas. 4. Since this is a reimbursement program, the time lag between establishment of drainage fees and collection of funds is not a problem in when the project will be built.
RESOURCE CONSERVATION AND DEVELOPMENT GRANTS Soil Conservation Service	1. Range of assistance: $2,000 to $250,000; average is $50,000. 2. Must be in a Resource Conservation and Development (RC&D) area, which usually covers more than one county. 3. Requires significant public motivation, input and support. 4. Aimed at rural community development and economic enhancement. 5. Time consuming application and approval process.	1. If an RC&D area including Santa Clara County were established, some flood control and erosion work might be included in the program.
INDUSTRIAL DEVELOPMENT GRANTS Federal Housing Authority	1. Projects must facilitate development of private business enterprises improve rural economy. 2. Program restricted to rural areas (pop. less than 50,000, with preference to areas of pop. less than 25,000). 3. Range of assistance: $5,000 to $195,000; average is $59,000.	1. Might provide funds for flood control and erosion repair work in limited rural conditions.
AD VALORUM TAXES District	1. Subject to legislation such as Proposition 13. 2. Currently taxes collected within a zone are restricted to use within that zone.	1. Major source of funding for entire range of flood damage reduction activities.

TABLE 2

Funding Program	Sponsor/ Administrator	Emergency Response Funds	Funds for Federal Non-Emergency Projects	Funds for Culvert Enlargement	Funds for Rehabilitation of Developed Areas	Funds for Parks and Recreation Areas	Funds for Undeveloped Areas	Local Funds
State Natural Disaster Assistance	OES	X						
Federal Disaster Assistance	FEMA	X						
Emergency Watershed Protection (Sec. 216 or 403)	SCS	X	X					
Floodfighting/Rehabilitation of Flood Control Works (PL99)	COE	X						
Floodfighting (Sec. 128, California Water Code)	DWR	X						
Emergency Bank Protection (Section 14)	COE	X	X					
Protection, Clearing and Straightening Channels	COE	X	X					
State Disaster Preparedness Grants	OES	X	X					
Small Watershed Grant Program (PL566)	SCS		X	X		X	X	
Small Flood Control Projects (Sec. 205 Projects)	COE		X	X				
Large Flood Control Projects	COE		X	X				
Snagging and Clearing for Flood Control	COE	X	X					
Small Navigation Projects	COE		X			X		
Small Reclamation Projects (PL984 Projects)	BUREC		X			X	X	
State Reimbursement of Local Costs of Federal Flood Control Projects	COE		X					
Capital Improvement Program	City/County			X	X	X		X
Federal Aid Highway Program	CALTRANS			X	X			
Community Redevelopment	City/County			X	X	X	X	X
Community Development Block Grants	HUD			X	X	X	X	
EDA Grants and Loans for Public Works	EDA		X	X	X			
Economic Development Grants - Supplemental (Sec. 304)	EDA		X	X	X			
Urban Streams Restoration Grant				X	X			
Land and Water Conservation Fund	HCRS				X	X	X	
Urban Park and Recreation Recovery Program	HCRS				X	X		
Disposal of Federal Surplus Real Property	HCRS					X	X	
Developer Constructed Facilities	City/County			X			X	
Drainage Fees	City/County			X	X	X	X	X
Special Benefit Zones	District/City			X			X	X
Resource Conservation and Development Grants	SCS		X			X	X	
Industrial Development Grants	FHA		X	X	X		X	
Ad Valorum Taxes	District	X		X	X		X	X
Benefit Assessments	District	X		X	X		X	X
Special Assessment Proceedings	City/County			X	X	X		X
Community Facilities Districts	District			X	X	X	X	
	City/County							

		Corrective Measures				Preventative Measures		
Funding Program	Sponsor Administrator	Streamflow Reduction	Streamflow Control	Structure Modification	Emergency Actions	Discouragement	Regulation	Public Acquisition
State Natural Disaster Assistance	OES							
Federal Disaster Assistance (PL93-288)	FEMA							
Emergency Watershed Protection (Sec. 216 or 403)	SCS							
Floodfighting/Rehabilitation of Flood Control Works (PL99)	COE							
Floodfighting (Sec. 128, California Water Code)	DWR							
Emergency Bank Protection (Section 14)	COE							
Protection, Clearing and Straightening Channels	COE							
State Disaster Preparedness Grants	OES							
Small Watershed Grant Program (PL566)	SCS							
Small Flood Control Projects (Sec. 205 Projects)	COE							
Large Flood Control Projects	COE							
Snagging and Clearing for Flood Control	COE							
Small Navigation Projects	COE							
Small Reclamation Projects (PL984 Projects)	BUREC							
State Reimbursement of Local Costs of Federal Flood Control Projects	COE							
Capital Improvement Program	City/County							
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Community Redevelopment	City/County							
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Special Assessment Proceedings	City/County							
Community Facilities District								

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STATE NATURAL DISASTER ASSISTANCE Office of Emergency Services	1. County Board of Supervisors must declare a natural disaster within ten days of occurrence. 2. All local resources must be used before the OES will offer State Natural Disaster Assistance. The Director of OES must concur that a disaster has occurred. 3. Applications for assistance must be submitted within 30 days of the event. 4. Eligible costs are those incurred in construction of permanent flood control improvement, repair, or replacement projects. 5. Local agencies must put up matching funds, based on sliding scale. 6. Costs of repairs undertaken prior to State agreement are not reimburseable.	1. When a natural disaster has occurred and the County has declared it, some permanent flood control works may be funded.
FEDERAL DISASTER ASSISTANCE Federal Emergency Management Agency	1. Requires Presidential declaration of state of emergency and/or disaster. 2. All floodfighting costs and some improvement to damaged facilities are eligible for reimbursement; not included are regular salaries of District employees and taxes on items of purchase or repair. 3. Application must be submitted within 30 days of emergency declaration and 90 days of major disaster declaration.	1. Major program for reimbursement of floodfighting and flood repair costs. 2. Provides a broad range of assistance to private citizens who are victims of flooding as well as to public agencies. 3. Financial assistance has ranged from $2 to $40 million per disaster. Nationwide budget is approximately $380,000,000.
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FUNDING PROGRAM	CONSTRAINTS/DISADVANTAGES	BENEFITS/ADVANTAGES
CAPITAL IMPROVEMENT PROGRAMS City or County	1. Money available for flood control work will not fund large-scale projects, maybe portions of large-scale project such as bridges. 2. Requires cooperation and coordination with cities or county. 3. District has little control over money earmarked for flood control work; unless money is obligated fairly quickly it may end up being used for other capital improvements or local drainage projects.	1. Communities take active responsibility and contribute financially to solving flooding problems. 2. Cities and county have a broad variety of resources to draw upon for implementing capital improvements. Though some sources may not help accomplish flood damage reduction measures directly they may free other funds for that purpose.
FEDERAL AID HIGHWAY PROGRAM State Highway Agency (CALTRANS)	1. Formula and matching requirements: Federal share is 90% for Interstate and safety projects, 80% for bridge replacement and rehabilitation and 75% for most other projects. 2. Evaluation of bridges for repair/replacement includes many factors of which "waterway adequacy" is only a small part. 3. For repair following disaster, a declaration of disaster must have been made by the governor.	1. Useful where bridges and culverts must be replaced because they are inadequate hydraulically and with respect to traffic or structural design. 2. Useful for replacement or repair of flood-damaged culverts or bridges which are hydraulically inadequate.
COMMUNITY REDEVELOPMENT City or County	1. Projects must promote a stronger, expanded community tax base, attract private investment. 2. Money available for flood control work will not fund large-scale projects, maybe portions of large-scale projects such as bridges. 3. Requires cooperation and coordination with cities. 4. District has little control over money earmarked for flood control work; unless money is obligated quickly it may end up being used for other redevelopment projects.	1. Redevelopment agencies have a broad variety of resources to draw upon for implementing redevelopment projects. Though some sources may not be useful to accomplish flood damage reduction measures directly, they may free other funds for that purpose. 2. There are a number of existing redevelopment agencies and project areas in Santa Clara County.
COMMUNITY DEVELOPMENT BLOCK GRANT Housing and Urban Development (implemented through city and county)	1. Flood control work qualifies as an eligible activity only when there is no assistance from other federal laws or programs. 2. Limited annual funding available in the program (approximately $2 to $3 million for urban county program, and up to $1 million for entitlement city), with the exception of City of San JOse who has received over $7 million.	1. Availability of these funds might allow cities and redevelopment agencies to use other funds for flood damage reduction measures.
GRANTS AND LOANS FOR PUBLIC WORKS AND DEVELOPMENT FACILITIES Economic Development Administration	1. Project proposals must conform to an Overall Economic Development Program (OEDP) for an eligible area; only City of San Jose currently has an OEDP. 2. Projects must fulfill a pressing need of the area and tend to improve long-term employment, the establishment of industrial/commercial plants, or the commercial plants, or the economic situation of long-term unemployed or low-income families. 3. Basic grants are up to 50% of project cost. Range has been $5,000 to $7,138,000, with average grant of $580,000. In FY 1979, 258 projects were approved for a total of $205,020,000.	1. Might be useful in the City of San Jose to fund projects in San Jose's Redevelopment Area, for example, bridges. 2. Sometimes the EDA requests local public works projects proposals to create job opportunities for unemployed construction workers. These require no OEDP establishment. The District might be able to accomplish some work through this kind of program.

FUNDING PROGRAM	CONSTRAINTS/DISADVANTAGES	BENEFITS/ADVANTAGES
ECONOMIC DEVELOPMENT GRANTS - SUPPLEMENTAL FUNDING Economic Development Administration	1. Program subject to some EDA requirements as regular public works grants, but awards made when no more Title I funds left for a fiscal year. 2. Grants require a minimum of 25% state funds matching by local agency.	1. Not subject to the same priority list as basic Title I grants - therefore likely to be more speedy in the funding and approval process.
URBAN STREAMS RESTORATION GRANTS DWR	1. New program with small per project grant limit and equally small budget in FY 85. 2. All applications are received once per year. Grants are awarded based on achievement of program objectives.	1. May be useful for small non-emergency erosion repair or culvert replacement projects.
LAND AND WATER CONSERVATION FUND PROGRAM Heritage Conservation and Recreation Service	1. Aimed at developing new recreational opportunities. 2. Planning District No. 4 which contains Santa Clara County receives $2 to $3 million annually. 3. Funds split 50% for regional projects, 50% for less than regional projects. 4. Not more than 50% of project cost may be federally funded. 5. Requires cooperation with city or county who will be the actual applicant because of the recreation function and maintenance abilities of cities and the county.	1. May be useful where recreation is an element of a flood damage reduction project. 2. Program has been used before so the District is somewhat familiar with its operation.
URBAN PARK AND RECOVERY PROGRAM Heritage Conservation and Recreation Service	1. Aimed at rehabilitating parks in urban areas, would have to fit flood control work into this (levees, floodwalls). 2. Community benefitted must be economically depressed. 3. Range of assistance: $12,500 to $2,100,000. 4. Funds may not be used for land acquisition; local agencies provide land and rights of way. 5. Requires matching funds: 70% federal, 30% local.	1. May be useful for flood control work in some limited urban conditions, especially redevelopment areas. 2. State reimbursement program for percentage of local costs.
DISPOSAL OF FEDERAL SURPLUS REAL PROPERTY Heritage Conservation and Recreation Service	1. Mainly for establishment of public parks and recreation areas or for historic monument use. 2. It appears that not much, if any, excess federal land exists in Santa Clara County.	1. District should be aware of the program in case federal property exists where a recreation or wildlife area could be established as part of a flood control project.
DEVELOPER-CONSTRUCTED FACILITIES City or County	1. There may be downstream impacts such that the developer cannot construct improvements without downstream channel work first. 2. Developer-constructed facilities may not totally relieve the flooding problem, e.g. if there are comingling floodplains. 3. Size of development may not be large enough financially to support flood control improvements. 4. May be a timing problem, may not be feasible to wait for a new developer to construct facilities.	1. Projects get built and flood damages are not intensified as development occurs. 2. Places financial burden of flood protection work on the party who is requiring protection.

FUNDING PROGRAM	CONSTRAINTS/DISADVANTAGES	BENEFITS/ADVANTAGES
DRAINAGE FEES City or County	1. Must be a low ratio of project cost to total area protected, or total units of development, so that fee will be realistic. 2. Need cooperation with city or county; otherwise funds collected may be used for local drainage projects, not the necessary flood control work. 3. Fees are not an ongoing source of revenue - useful for capital improvements but not maintenance. 4. Difficulties in implementation (estimation of future development, delineation of areas, etc.) 5. Time lag between establishment of area and collection of sufficient funds to build project. 6. Funds collected in the city jurisdiction are used for projects within city limits, and similarly for the county.	1. Direct relationship between cause of flood control problems and funding of solutions. 2. Can be used where developer-construction is not feasible; e.g., if there would be downstream impacts such that a larger project is required. 3. Tends to discourage marginal development in floodprone areas. 4. Some flood control work may be accomplished sooner with availability of these funds.
SPECIAL BENEFIT ZONES City or County	1. Must be a low ratio of project cost to total area protected, or total units of development, so that fee will be realistic. 2. Need cooperation with city or county. 3. Fees are not an ongoing source of revenue - useful for capital improvements but not maintenance. 4. Difficulties in implementation (estimation of future development, delineation of areas, etc.) 5. Funds collected in the city jurisdiction are used for projects within city limits and similarly for the county.	1. Direct relationship between cause of flood control problems and funding of solutions. 2. Can be used where developer-construction is not feasible; e.g. if there would be downstream impacts such that a larger project is required. 3. Tends to discourage marginal development in floodprone areas. 4. Since this is a reimbursement program, the time lag between establishment of drainage fees and collection of funds is not a problem in when the project will be built.
RESOURCE CONSERVATION AND DEVELOPMENT GRANTS Soil Conservation Service	1. Range of assistance: \$2,000 to \$250,000; average is \$50,000. 2. Must be in a Resource Conservation and Development (RC&D) area, which usually covers more than one county. 3. Requires significant public motivation, input and support. 4. Aimed at rural community development and economic enhancement. 5. Time consuming application and approval process.	1. If an RC&D area including Santa Clara County were established, some flood control and erosion work might be included in the program.
INDUSTRIAL DEVELOPMENT GRANTS Federal Housing Authority	1. Projects must facilitate development of private business enterprises improve rural economy. 2. Program restricted to rural areas (pop. less than 50,000, with preference to areas of pop. less than 25,000). 3. Range of assistance: \$5,000 to \$195,000; average is \$59,000.	1. Might provide funds for flood control and erosion repair work in limited rural conditions.
AD VALORUM TAXES District	1. Subject to legislation such as Proposition 13. 2. Currently taxes collected within a zone are restricted to use within that zone.	1. Major source of funding for entire range of flood damage reduction activities.

FUNDING PROGRAM	CONSTRAINTS/DISADVANTAGES	BENEFITS/ADVANTAGES
AB 630 BENEFIT ASSESSMENTS District	1. Assessments collected within one zone will be used within that zone. 2. Establishment of program requires cooperation with County in its tax collection procedure.	1. Significant source of income for the full range of flood damage reduction activities. 2. Since these are assessments, not property taxes, they are not subject to legislation such as Proposition 13.
SPECIAL ASSESSMENT PROCEEDINGS City or County	1. Must show a demonstrable increase in value to the properties which have received special benefit - otherwise assessment will be judged a property tax. 2. Post-project operation and maintenance do not qualify for assessment financing. 3. Charter cities and counties have more latitude in establishing assessment districts.	1. District does have the legal capability to implement this program (but would ordinarily go through city or county if these have charter status). 2. May be useful where it can be shown that flooding problem is frequent and causes some health or access problem (e.g., ponding causing odors and mosquitos).
COMMUNITY FACILITIES DISTRICT City, County, District	1. Requires a 2/3 vote of residents or landowners within the District. 2. Administration costs/effort could outweigh benefits for small projects.	1. This District could establish a CFD. 2. May provide for operations and maintenance.

I. EMERGENCY RESPONSE FUNDS

This section contains basic information about funds which may be used to repair flood-caused erosion problems and flood-damaged facilities, or which may be used for flood-fighting and disaster preparedness. The programs described are:

- State Natural Disaster Assistance
- Federal Disaster Assistance
- Emergency Watershed Protection (Section 216 or 403)
- Flood Fighting and Rehabilitation of Flood Control Works and Federally Authorized Coastal Protection Works (PL 99)
- Flood Fighting, Section 128 Assistance
- Emergency Bank Protection (Section 14)
- Protection, Clearing and Straightening Channels
- State Disaster Preparedness Grants

In a flood emergency situation, the District notifies the County Office of Emergency Services when the District goes on flood emergency status; provides information to them on flood damages so that a determination can be made whether the County Supervisors should declare a natural disaster; and keeps accurate records of flood fighting and damage repair costs. The costs which should be documented include:

- Overtime pay of District employees
- Regular pay and overtime of extra help hired for emergency work
- Materials taken from stock for emergency repairs and flood fighting
- Fees for rental of equipment from private owners or other public agencies
- Minor repairs and maintenance of equipment
- Cost of equipment and manpower from County Transportation Agency
- Improvement of damaged facilities

During a flood emergency, events usually progress approximately as shown in Figure 1.

Of the programs described in this section, the most useful for repairing flood damaged facilities are Federal Disaster Assistance (PL 93-228) and the Emergency Watershed Protection Program. The Emergency Watershed Protection Program, administered by the U.S. Soil Conservation Service, provided over one million dollars in erosion repair projects between 1978 and 1983 when County and State disaster emergencies were declared. The U. S. Corps of Engineers' Emergency Bank Protection is less useful because of its lengthier application process and cost limitation of $250,000 total in any fiscal year for one locality. Because the President declared a major disaster in 1983 the District was able to obtain more than $700,000 from the Federal Disaster Assistance Program. The other programs included in this section have limitations which make them less useful but are included for completeness.

FIGURE 1. FLOOD EMERGENCY EVENT PROGRESSION

District Flood Alert Stage:

- General alert declared as of October 1 each year

District Flood Emergency Stage:

- Notify County Office of Emergency Services
- Record all flood fight and emergency repair costs

All District + Local Resources Employed, Damages Significant:

- County Office of Emergency Services notifies State Office of Emergency Services
- Either District or County OES requests DWR provide flood fight assistance. This includes California Department of Forestry and California Conservation Corps
- Ask County Board of Supervisors to declare natural disaster within 10 days

All District, Local, DWR Resources Employed:

- State Office of Emergency Services asks Governor to declare disaster
- DWR asks Corps of Engineers' PL99 flood fight assistance

All District, Local, DWR, COE PL99 Assistance Employed:

- DWR asks Governor to authorize additional Sec. 128 assistance
- Governor requests Presidential emergency declaration through State OES to FEMA, and National Guard assistance

Aftermath:

- District submits erosion repair applications to SCS and COE within 1-2 weeks
- District submits applications for facility repair projects to the State OES through the County OES within 30 days of disaster
- District submits application for reimbursement of flood fighting and facility repair costs to FEMA within 30 days of Presidential emergency declaration.

State Natural Disaster Assistance

Office of Emergency Services

Description

This program provides funds, subject to specified conditions, to local agencies for repair, restoration, replacement of public real property, buildings, streets, bridges, and other public works except recreational facilities used solely for that purpose, which have been damaged or destroyed by a natural disaster. Authority for this program comes from the Natural Disaster Assistance Act (Government Code) of 1974, which supersedes the State Emergency Flood Relief Law of 1959. Assistance is administered by the State Office of Emergency Services after a local emergency has been declared by the County Board of Supervisors and concurred in by the Director of the Office of Emergency Services.

The requirements for eligibility are:

1. The County Board of Supervisors must declare that a natural disaster has occurred within 10 days of the actual occurrence. Damages from disasters which are not natural (for example those resulting from arson, or sabotage of a dam) are not eligible for assistance.

2. All local resources must be used before the Office of Emergency Services will offer the State Natural Disaster Assistance. The Director of the Office of Emergency Services must concur that a natural disaster condition has occurred.

3. Applications for assistance must be submitted to the Office of Emergency Services within 30 days of the occurrence. Under certain conditions this time limit can be extended. Eligible costs are those incurred in construction of permanent flood control improvement, repair, or replacement projects.

"Permanent repair" of a flood control facility can include an installation which is larger than the damaged facility. If the local agency does not agree with the State upon the size of the facility to be installed, the local agency may furnish "in lieu" funds to cover the cost of any increase in size over that which State officials believe to be adequate. Ineligible costs are those for activities such as debris removal and sandbagging, or for damage to personal property in public facilities or on public property, damage to private property, or betterment of a facility while performing emergency work. A fundamental difference between the State Natural Disaster Assistance and Federal Disaster Assistance is that proposed repair or replacement projects must be of a permanent nature to be eligible for State funding.

Local agencies must put up funds to match funds provided by the State. The State has a rather involved sliding-scale method of computing the "base allocation" for any particular public agency. The basic concept used to estimate how much the state will contribute is to estimate the local agency's ability to pay for damage repair with the State providing increasing percentages of reimbursement as the local agency's ability to pay for the damages decreased. The local agency's ability to pay for damages is determined by the ratio of the cost of damage repair to the expected income for the local agency (called the base allocation). As the ratio increases the repair would take more of the agency's available funds and the agency's ability to perform the needed work decreases. For flood control districts, the base allocation is determined from ad valorem tax revenue of the previous year (tax income for Water Utilities in this District would be separated and not included.) For the District the base allocation is about $14,000,000 (FY 1984-85). Table 4 illustrates the contributions of the State and local agency for various ratios of damage repair cost to base allocation.

TABLE 4

CONTRIBUTIONS OF STATE AND LOCAL AGENCY FOR VARIOUS RATIOS OF DAMAGE REPAIR COSTS TO BASE ALLOCATION FOR STATE NATURAL DISASTER ASSISTANCE

Ratio of Damage Repair Cost to Base Allocation	% Contribution by State	% Matching Funds by District
1/2% or less	0	100
1/2% - 50%	60	40
51% - 150%	80	20
Over 150%	95	5

For example, assuming an allocation base of $100,000, estimated damage of $200,000, the State's allocation for work would be $157,200, computed as follows:

TABLE 5

SAMPLE COMPUTATION OF STATE CONTRIBUTION FOR STATE NATURAL DISASTER ASSISTANCE

Assumptions: Damages = $2,000,000
Base Allocation = $1,000,000

Allocation Brackets			Local Agency		State	
Bracket	Percent of base	Amount	Percent	Amount	Percent	Amount
A	1/2%	$ 50,000	100%	$ 50,000	—	$ -0-
B	49 1/2%	1,950,000	40%	780,000	60%	1,170,000
C	100%	0	20%	0	80%	0
D	*	0	5%	0	95%	0
Total		$2,000,000		$830,000		$1,170,000

* Percent by which the total estimated damage exceeds 150% of the base.

The base allocation and the percentage to be paid by the State is set up by a rigid formula and very little departure from the formula is permissible. However, there is a provision in the law for the State to loan funds to the local agencies to cover the agencies' share of permanent improvements, providing that the local agency has no funds at all. Repayment of such a loan can be extended for a period of up to ten years. Interest on such a loan would be essentially the same as that which the State is able to earn or was earning on its investments at that time.

Once an agreement for repair and restoration of damaged facilities is established, work paid for by the local agency is reimbursed by the State. If advance payment of improvement cost by the local agency works a hardship, the State will pay monthly progress allocations or, if monthly payments work a hardship, the period of reimbursement can be even shorter - the effect being that the local agencies' funds could possibly be drawn from some other source temporarily until reimbursed by the State.

If damage repair becomes an item of substantial time and magnitude such as the replacement of a dam which has failed, then the local agency draws up plans or has plans drawn up by a consultant. These plans are submitted to the State for approval before calling for bids. Upon receipt of bids, they are submitted to the State for approval before contract award is made. The above procedure is usually expedited by having a State Agent serving as a resident on the job. The State then becomes a partner with the local agency in the administration of the contract for permanent repair or replacement of the damaged facility. Upon completion of the project, the local agency files a report with the State. The State makes a final inspection and, if they concur that the project has been completed satisfactorily, a report is filed with the State Auditor and the State Auditor proceeds to make a final payment to the local agency. The original agreement is based upon an estimate of the cost, but final payments are made upon actual cost of the work done.

Outlook for Use by the District

In 1978, the District applied for State assistance at 33 sites. No assistance was received. Most of these sites were bank failures in earth channels. The State contended that placing riprap at thse sites constituted improvement of the original facility and would not provide funding.

Because of the District's relatively high base allocation, the State share of any approved projects would be 60% unless damages exceeded $5 million.

This program would be most useful when District facilities sustain very major damages. The District should be able to estimate flood damage repair costs to its facilities quickly. If, after a severe storm event, it appears that significant damages to District facilities have occurred, the District should ask the County Board of Supervisors to declare that event a natural disaster. The County may or may not declare a disaster condition on its own accord, depending on how severe it perceives Countywide damages to be. The ten-day time limit in which to make this declaration is rigidly enforced as a prerequisite for aid.

Implementation

The District would apply for facilities repair and restoration funds, through the County, to the Office of Emergency Services. Questions regarding procedures should be directed to the County Emergency Services Office: Mr. Bill Ward, Regional Manager, State Office of Emergency Services, Region II, 360 Civic Drive, Pleasant Hill, telephone (415) 671-4908; or State Office of Emergency Services, Emergency Management Division, Post Office Box 9577, Sacramento, telephone (916) 427-4347.

Federal Disaster Assistance

Federal Emergency Management Agency

Description

This program is authorized by PL 93-288, the Disaster Relief Act of 1974, which supersedes PL 91-606, the Disaster Relief Act of 1970.

Financial and other types of aid provided by the federal government pursuant to PL 93-288 are contingent on presidential declaration of a major disaster or emergency. The types of assistance available may vary dependent upon the type of presidential disaster declaration.

Public Assistance After Declaration of a Major Disaster

- Clearance of debris on public or private lands or water when determined to be a public health or safety hazard;
- Emergency protective measures for the preservation of life and property, such as demolition of hazardous buildings, vector control, evacuation, and flood fighting;
- Repairs to roads, streets and bridges;
- Repairs to water control facilities (dikes, levees, irrigation works and drainage facilities;
- Repairs to public buildings and related equipment;
- Repairs to public utilities;
- Repairs to public facilities damaged while under construction;
- Repairs to private nonprofit educational, utility, emergency, medical and custodial care facilities, including those for the aged or disabled, and facilities on Indian reservations;
- Repairs to public recreational facilities and parks;
- Disaster loans to communities which have suffered a substantial loss of tax and other revenues and have demonstrated a need for financial assistance in order to perform their governmental functions;

- Making federal equipment, supplies, facilities, personnel and other resources (other than extension of credit) available to State and local governments;
- Repairs and operating assistance to public schools;
- Temporary communications systems;
- Temporary public transportation service in an area to meet emergency needs and to provide transporation to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible.

Individual Assistance After Declaration of a Major Disaster

- Search and rescue;
- Temporary housing for disaster victims until alternate housing is available (no rental for up to 12 months of occupancy).
- Temporary assistance in mortgage or rental payments for persons faced with loss of their residences because of disaster-created financial hardships;
- "Mini-repair" program - a form of temporary housing that provides emergency temporary repairs so homeowners may return to their homes;
- Disaster unemployment benefits and job replacement assistance for those who lost their jobs because of the disaster;
- Distribution of food coupon allotments or surplus food commodities to low-income victims;
- Legal services to low-income families and individuals;
- Individual and family grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster where such individuals or families are unable to meet such expenses or needs through other established assistance programs;

- Veterans or their dependent survivors may obtain such Veteran Administration assistance as a lump sum death benefit, pensions, insurance settlement and financial relief when a VA-insured home has been damaged (available with or without a major disaster declaration);
- Crisis counseling to relieve mental health problems;
- Economic injury loans from the Small Business Administration to businesses that have suffered economic losses due to the major disaster;
- Long-term, low-interest rate disaster loan assistance from the Small Business Administration to enable homeowners and businesses to replace or repair damaged properties or possessions (available without a major disaster declaration when authorized by the SBA Administrator);
- Long-term, low-interest emergency loans to farmers to replace or repair damaged property and possessions and replace production losses (available through the local agricultural commission without a major disaster declaration when authorized by the Secretary of USDA);
- The Emergency Conservation Measures Program of the Agricultural Stabilization and Conservation Service (USDA) provides payments of up to 80 percent of the cost to rehabilitate farm lands damaged by natural disasters (this program must be authorized by the Secretary of Agriculture either with or without a major disaster declaration);
- Donations of Commodity Credit Corporation (USDA)-owned feed grains for comingled livestock and for herd preservation;
- The Internal Revenue Service will provide income tax advice and assistance to disaster victims in obtaining tax relief for disaster-related losses;
- The Social Security Administration will provide assistance to disaster victims in applying for disability and survivor benefits and will assist recipients by expediting delivery of checks delayed by the disaster.

Assistance Available After Declaration of an Emergency by the President

Emergency assistance is specialized assistance to meet specific needs. It is generally limited by type and extent to that requested by the State to supplement local and State efforts. It may include:

- Emergency mass care, such as emergency medical care, emergency shelter, emergency provision of food, water and medicine and other essential needs;
- Clearance of debris in order to save lives and protect property and public health safety;
- Emergency protective measures including but not limited to search and rescue, demolition of unsafe structures, warning of further risks and hazards, public information on health and safety measures, and other actions necessary to remove or to reduce threats to public health and safety, to public property when in the public interest;
- Emergency repairs to essential utilities and other essential facilities as necessary to provide for their continued operation;
- Emergency communications to supplement normal communications that remain operable after a major disaster;
- Other assistance which may be necessary to avert or lessen the threat of a disaster.

Federal assistance is usually limited to the minimum funds needed, and Federal employees' will determine what constitutes minimum needs. The District should not put off work while ascertaining whether the project will be eligible for reimbursement, because such postponement might very well indicate that it is not an emergency. If remedial work is needed immediately, the District should proceed by force account or contract, and maintain records that will later be acceptable as support for reimbursement claims.

Many federal agencies who give aid during disasters are not budgeted for such work, including the military. In such cases they may send the local agency a bill which the Federal Emergency Management Agency will pay later once a major disaster is declared. This reimbursement (or direct payment to the billing agency) can be retroactive to the beginning of the disaster even if the work occurred prior to the declaration. Some specific eligible and ineligible costs are shown in Table 6.

Constraints

1. The emergency or major disaster must be declared by the President at the request of State Governor.

2. Applications must normally be submitted within 30 days of an emergency declaration and within 90 days of a major disaster declaration for State and local governments. Individuals normally have 60 days to apply for assistance following a major disaster declaration. Approval or disapproval takes one day to six weeks.

3. Reimbursement is limited to 75% by administrative policy.

Outlook for Use by the District

This is the basic source of federal aid in emergency and disaster situations. The District's role in these situations is primarily to get estimates of damages to the County Emergency Services Office as soon as possible, so that decisions can be made whether a declaration of disaster or emergency is warranted by the County Board of Supervisors, the Governor, and ultimately the President. Once a declaration is made, the District can benefit from a variety of aid, including the repair of water control facilities, clearance of debris, and provision of federal equipment, supplies, facilities and personnel. Following the Presidential Disaster Declaration in 1983, the District received over $700,000 in assistance, mostly for erosion repair work.

TABLE 6
FLOOD-RATED COSTS ELIGIBLE AND INELIGIBLE FOR FEDERAL REIMBURSEMENT

Eligible	Ineligible
- Overtime pay of District Employees	- Regular salaries of District employees
- Regular pay and overtime of extra help hired for emergency work	- State and local taxes on items of purchase or repair
- Materials taken from stock for emergency repairs	
- Fee for rental of equipment from private owners or other public agencies*	
- Minor repairs and maintenance of equipment**	
- Cost of equipment and manpower from County Transportation Agency	
- Improvement of damaged facilities***	

* When renting equipment from private owners or other public agencies, the rental fee cannot exceed that which is charged by any private or local agency in the region. The OEP has a rate schedule on such rentals which does not include insurance, depreciation and other costs that might be on the books of an agency and has been applied to the "out-of-pocket" costs; this is especially true of cost estimates on equipment owned by the agency making the application; therefore, the OEP rate schedule holds, and not the regular amortization rate that may be carried on the agency's books for such equipment. When dealing with private operators for use of their equipment in debris clearance or damage repair, no "cost-plus" contract should be negotiated. The contract should be on a flat per hourly fee and only under such conditions would the contract cost be reimburseable.

** Minor repairs and maintenance costs of equipment are eligible, but a major overhaul cost which probably was necessitated by normal wear of the equipment that had occurred prior to the emergency would not be eligible; cost necessitated by an accident to the equipment during flood repair will usually be eligible. Vehicle tire replacement cost usually is not eligible.

*** Some repair or replacement costs of damaged facilities may even allow the upgrading of the quality of the structure; that is, the emergency repair of a structure, in most cases, can be brought up to the design standards that would otherwise prevail. It is somewhat uncertain what the limits of a "Design Standard" would be and what facilities would qualify. The significant aspect is that funds can be used to improve damaged facilities, not just replace in kind. Additional funds to upgrade the capacity of the facility can be obtained "in lieu" from a State loan.

Implementation

If a natural disaster of major proportion occurs which required remedial action beyond the financial and/or physical capabilities of local government, the local government should make a request for PL 93-288 assistance to the Office of Emergency Services through the County. The Office of Emergency Services would apply for a gubernatorial proclamation of State of Emergency and request a presidential disaster declaration in accordance with the Disaster Assistance Procedure Manual published by the State Office of Emergency Services. The Governor of the State makes a request for a presidential declaration of an emergency or a major disaster through the FEMA Regional Director (Mr. Robert Vickers, FEMA Region IX, 211 Main Street, Room 220, San Francisco, California 94105, (415) 556-8794).

It is assumed that an emergency requiring the declaration of disaster would necessarily involve more than one local agency and, therefore, would be under the direction of the County Emergency Services Office. The District would not be expected to have to contact the State directly. The County Emergency Services Office would need information from the District concerning the scale of the problem, possible damage cost estimate, how the emergency developed and periodic reports on changes of status and action taken. This information will then be relayed to the State and from there to the Federal organizations concerned. It is very important to verbalize and document the sequence of events from the time there is even the chance of an emergency. This documentation is necessary to pinpoint the time of beginning of the emergency which sets one limit to the period of time during which eligible cost items can be accumulated for future reimbursement.

Once a disaster has been declared by the President, the District will deal directly with the Office of Emergency Services when applying for funds to cover emergency expenditures. The forms used to apply for reimbursement should be obtained from the Office of Emergency Services at the time of the disaster. Federal officials will be available to aid, advise and explain the format and procedures to be followed in making application.

If, after an application and estimate of the cost for reimbursement of funds under Public Law 93-288 has been approved, it is then found that additional work needs to be done and additional equipment is needed, the local agency must ask for an amendment to that application by letter as soon as possible. If the local agency requests an amendment when the need for additional expenditure is seen, the amended application will probably be approved, but delaying the amendment will increase its chances of disapproval.

All amendments and supplements to the original application - filed by letter as described above - must be sent to the Office of Emergency Services within the 90-day time limit previously set for filing of the original application. Regardless of how many such supplements and amendments are filed, all will be attached to the original application, providing they are approved by the State and FEMA District Office. All supplements and amendments will be forwarded to the auditors at the time of the local agency's final claim.

If the repair, reconstruction or cleanup that is approved under the application is delayed by "An Act of God", such as continued rain, then an amendment or a notice of some type should be filed with the State asking for an extension of time. Under no circumstances will an extension of time be granted because of administrative problems such as filing the forms, applications and claims with the State Office. Final claim papers must reach Sacramento before the end of the one-year deadline or they will not be allowed unless an earlier granting of an extension under the circumstances described above has been given.

Questions regarding procedures should be directed to the county Emergency Services Office; Mr. Bill Ward, Regional Manager, State Office of Emergency Services, Region II, 360 Civic Drive, Pleasant Hill, telephone (415) 671-4908; or State Office of Emergency Services, Emergency Management Division, Post Office Box 9577, Sacramento, telephone (916) 427-4347 or 427-4990.

Emergency Watershed Protection

Soil Conservation Service

Description

This program provides technical and financial assistance for erosion repair, silt and debris removal and structural repairs of damaged flood control facilities which are needed as the result of a disaster event such as flood, fire, wind, earthquake or drought. This assistance is authorized by Section 216 of PL 81-516. The current program is additionally authorized by Section 403 of the Agricultural Credit Act (PL 95-334). Projects are now called "Section 403 projects" instead of "Section 216 projects", or may be referred to as "EWP" projects.

The program is divided into two parts based on the exigency of the work required. When a "compelling situation of unusual urgency" exists, Federal emergency funds may bear up to 100 percent of the construction costs. Measures eligible for this include, for example, stabilizing streambanks, and repairing or constructing flood control facilities such as diversions and levees. When the work required is less than urgent, Federal emergency funds may bear up to 80% of the construction costs, and a broader range of remedial measures are eligible.

The District used this program in 1978, 1980, 1982 and 1983 for repair of 22 erosion problems costing a total of approximately $1 million. The District's net share amounted to approximately 4% of the work accomplished. Examples of repair work include installation of sacked concrete, rock riprap and gabions, backfill of eroded areas and construction of concrete cut off walls. The intent of the program is to restore eroded areas to the same condition as they were prior to storm damage without betterment. However, SCS agreed to fund gabions, sacked concrete riprap and rock lining where appropriate. The current policy is that rock riprap, gabions and sacked concrete may only be used to protect roads, bridges, buildings and public facilities. Installation of additional culverts and road improvements are not eligible.

In 1980 the District proposed 36 erosion problem areas to the SCS as possible Section 403 projects; five problem areas in the North Central and Northwest Zones met the criteria for this assistance. The construction cost estimates totaled $300,000 of which SCS's share was 80% ($240,000). The District's share was the required 20% of construction costs plus about 10% for nonreimbursable design and inspection services ($71,000). In 1982 and 1983 approximately $500,000 was obtained through Section 403 for erosion repairs at four sites. The District received credit toward some of the 20% local share for engineering and administration activities per negotiated agreements.

Constraints

1. Remedial measures needed must be the result of a disaster event, not a long-term accumulation of events.

2. Damage must result in a threat to life or property.

3. Assistance must benefit more than one beneficiary (property owner). It was this constraint that disqualified several proposed projects in the past.

4. Local sponsors must provide needed land rights, water rights, permits, and agree to operate and maintain completed work. Sponsors are expected to furnish in kind services, equipment, labor, etc. as conditions permit.

5. Local sponsors must provide 20% of construction costs.

6. In non-exigent cases, the State Conservationist must provide rationale of economic defensibility (B/C greater than 1).

7. The request for funds must be submitted within 60 days of a disaster event to the SCS Administrator by the SCS State Conservationist.

8. No emergency funds are provided for repair of transportation facilities, public utilities, and flood control facilities previously constructed by SCS or other federal agencies.

Outlook for Use by the District

This program has provided over $1.5 million in assistance between 1978 and 1983. With the recently proposed additional constraints the program is somewhat less useful to the District; however, the program should continue to be a regularly considered source of financial aid when significant storms are experienced in Santa Clara County. The potential usefulness of this program should be investigated after every storm season either as part of flood emergency operations or a general facility inspection.

Implementation

The District must conduct a survey of flood damages and identify potential projects which meet the criteria described in "Constraints". The General Manager submits a letter of request for assistance to the SCS State Conservationist. SCS representatives complete field reviews and identify projects which the local office will support. An application is submitted by the District to the State Conservationist which includes Damage Survey Reports for the proposed project areas. A copy of the District's Resolution requesting SCS assistance is shown in Appendix A. The reports contain field sketches of repair work, estimates of repair costs and delineations of facilities damaged. The proposed project areas are reviewed again; usually it takes about 1-2 weeks for approval or disapproval of the formal application. The SCS State Conservationist is to submit applications to Washington for funding within 60 days of the disaster, and funds must be obligated within 220 days of funding approval.

In 1978 the SCS staff had insufficient manpower to handle the workload of assistance requests and the District signed an agreement to help with design, inspection, and contract administration work. The cost of this work was partially reimbursable. Work done prior to the agreement was not reimbursable. However, because of the 220-day funding obligation requirement, certain activities were done by the District prior to signing of the reimbursement agreement, such as filing of permits with the Fish and Game Department and other agencies and some design work.

In 1980, 1982 and 1983 the District was responsible for field surveys, designs, preparation of plans and specifications under the general direction and guidance of the SCS, furnishing of land rights, layout staking and construction inspection.

City and County public works staffs should be contacted during project selection time, and they should be kept advised after Emergency Watershed Protection Projects have been selected.

In cases where the exigency requirement is met (a "compelling situation of unusual urgency") requests for assistance can be handled by telephone; the State Conservationist requests funds from the SCS Watershed Division by telephone and follows up the call with a memorandum to the SCS Administrator. This memorandum constitutes the request for funds and much less detailed information is required to be submitted by the District to the SCS, (nature and location of emergency, remedial work proposed, funds needed, sponsors involved, and description of potential damage).

Flood Fighting and Rehabilitation of Flood Control Works and Federally Authorized Coastal Protection Works
(Public Law 99 Program)

Corps of Engineers

Description

Public Law 84-99, the Flood Control Act of 1941, authorizes repair and restoration of any flood control or Federally authorized hurricane or shore protection work as necessary for the adequate functioning of the work for its intended purpose. The rehabilitation is normally designed to provide the same degree of effective protection as provided by the original structures (repair "in kind"). Rehabilitation will not be applied to those works which, by reason of poor maintenance over a period of time, have deteriorated to a point where substantially complete reconstruction is required. Other deferred maintenance costs and desired major modifications will be included in estimates and required as contributed costs by the local interests. Assistance does not extend to major improvements of flood control or Federally authorized coastal protection structures, nor to reimbursement of communities for funds expended in repair or rehabilitation efforts.

Advance measures authorized under PL 99 are activities performed prior to flooding or flood fighting to protection against loss of life and damages to improved property from flooding. There must be an immediate threat of unusual flooding present, as predicted by the National Weather Service, and the threat must be such that if action is not taken immediately, damages will be incurred. Situations that could lead to a threat of unusual flooding might arise due to snags or debris in the stream; channel deposition or siltation; snowmelt from abnormal snowpack, watersheds devastated by fire or dam failure. The work will be temporary in nature, designed to deal effectively with a specific threat, and capable of construction in time to prevent damages.

Flood fighting will be undertaken by the Corps of Engineers to supplement local efforts. State and local governments must use their own resources to the maximum extent feasible, usually including the furnishing of common labor. Flood fighting measures are applicable to any flood control structure: federal, public or private. Channel debris clearance is authorized if the debris is causing or likely to cause flooding. Failure or imminent failure of a flood control or coastal work because of inadequate maintenance will not preclude provision of flood fight assistance.

Assistance under PL 84-99 does not require a disaster declaration by the President, unlike assistance under Public Law 93-288 that the Federal Emergency Management Agency administers.

Constraints

Work under PL 84-99:

1. Must have B/C greater than 1, i.e. potential damages exceed cost of repair. For example, erosion repair is not a good possibility for assistance, and levee rehabilitation is a better candidate. In case of advance measures, cost of protective work must be warranted by value of potential damages avoided.

2. Must be "engineeringly" feasible.

3. Rehabilitation and repair is restricted to flood control works.

4. Generally it is required that rehabilitiation and repair be completed before onset of the next flood season.

5. The "ABC" requirements must be met; that is, local agency must:

   (a) provide all lands, easements, rights of way and utility relocations

   (b) accept responsibility for possible damages due to authorized work;

   (c) agree to operate and maintain rehabilitated structure to the satisfaction of the Corps of Engineers.

6. Costs for improvements or increased protection beyond those provided by the preflood structure must be borne by the local entity.

7. PL 99 does not extend to removal of temporary protective works after flood threat has passed.

8. Post flood debris clearance or cleanup is not authorized.

9. An application for repair and rehabilitation assistance must be made within 90 days of a flood or unusual coastal event. Approval or disapproval is given within 30 days of application.

Outlook for Use by District

This program can be used for rehabilitation and repair of facilities after flood emergencies. The most likely candidates are facilities such as levees and floodwalls and urgent erosion problems in urban areas. The program is not useful for erosion repair projects which are less than urgent (which do not threaten structures or which will not result in levee or drop structure failure). Also, the program is only useful where potential damages are significant (urban and industrial areas).

In 1982 $10,000 was obtained thorugh PL 99 for emergency debris removal at Beardsly Canyon. In 1983, PL 99/Section 14 assistance was requested at over 50 damage sites and received at none. The reasons given for rejecting most of the sites were benefit cost ratio less than one and no threat to essential public works.

It seems as though the flood fighting aspect of PL 99 would be less useful to the District, since the program requires that all other State and local sources, including hired labor, be used first before calling on the Corps. Still, the District should make requests through the Department of Water Resources as outlined below, especially if there is an identified flooding threat (dam failure or larger spills and storm predictions) where advance measures might avoid damages.

Implementation

To be considered for PL 99 rehabilitation assistance the local entity must provide a resolution requesting the assistance and must include the ABC provisions: provide lands, easements and rights of way; hold and save the Government harmless . . .; and agree to operate and maintain the completed work. Applications should be made to the District Engineer by letter with the resolution and above commitments. If a proposed project meets all the eligibility requirements previously mentioned and is approved by higher authority, construction funds are then made available. Approval or disapproval is usually given within 30 days.

For flood fighting assistance, requests are usually made through the County Emergency Services Office to the State Department of Water Resources. When DWR's resources are exhausted they request PL 99 assistance or other flood fighting assistance from the Corps of Engineers. Any letter to DWR asking for flood emergency assistance should specify that if their resources are unavailable or exhausted, DWR should request PL 99 assistance from the Corps. Implementation procedures should be detailed in the Emergency Operations Manual.

Flood Fighting
Section 128, California Water Code

Department of Water Resources

Description

This section of the California Water Code provides flood fighting work by the Department of Water Resources or with the California Conservation Corps and California Department of Forestry crews. If done within available Department of Water Resources funds, no Section 128 declaration is required and swift emergency response is possible. Work done for the Department by others requires a Section 128 declaration and legislative appropriation for funding. In addition to Section 128, there are two other programs in which the Department of Water Resources is involved that provide disaster assistance to local agencies. These are the State Natural Disaster Assistance Act (Government Code Sections 8680-8692) and Federal Public Law 93-288 administered by the Federal Emergency Management Agency. Before Section 128 funds are sought for work by others, possible Federal funding sources, including Public Law 99 (USCE), must be exhausted.

The intention of Section 128 is to authorize assistance in flood fighting "during a time of extraordinary stress and disaster where such work is necessary immediately for protection of life and property having general state and public interest during the existence of the emergency, or, in the case of fire-damaged watershed, where there is an imminent threat of floods and damage by water, mud, or debris upon the occurrence of storms." Use of this program depends on the concurrence of the Governor and the availability of funds.

Some constraints are:

1. The emergency must exist prior to or during an extraordinary disaster event and not as a result of an accumulation of prior events.

2. All other flood fighting resources of local governments, regular DWR emergency funds, other federal programs must be exhausted.

3. Work done after a flood event has passed (rehabilitation and repair) is not authorized for assistance by this program.

In the case of fire or a flood fight, eligible emergency measures would include:

1. Sandbagging and other strengthening efforts to protect the integrity of levees and other general flood protection works during periods of actual or forecasted high water.

2. Clearing major watercourses of substantial obstructions during storm conditions where flooding is occurring or below a burned watershed where flow capacity has been severely reduced. The problem must not be due to lack of maintenance or planning, and measures consisting of routine maintenance are not eligible.

Outlook for Use by the District

The primary purpose of the program is to give assistance to areas threatened with flooding because of fire-damaged watersheds. Also, to use this program the District must have used all other resources available for flood fighting. For these reasons it has limited usefulness and is a "last resort" measure in flood fighting or flood emergency procedure. The District should keep accurate records of costs incurred in flood fighting so that if Section 128 emergency assistance is authorized at a later date reimbursement can be made.

Implementation

In practice, the District would first request flood fighting assistance through the County Office of Emergency Services office to the State Department of Water Resources. It seems as though there typically is difficulty in getting funding for the Section 128 program, so after DWR has exhausted its own resources (including Section 128 funds if they exist), they will ask the Corps of Engineers for PL99 floodfighting assistance. Any letter sent to DWR asking for Section 128 assistance should specify that if there are no funds for that program, DWR should go ask the Corps for PL 99 assistance.

Formally, assistance for flood fighting is requested by certified resolution from the governing body of the local government (the County). The resolution must be supported with the necessary affirmations and assurance of cooperation, such as:

a. Local agency affirms that it has exhausted its resources and abilities to cope with the situation.

b. The local government has or will obtain necessary right-of-way.

c. The local government will hold and save the State of California free from liability and claims for damages or losses to persons or property by reason of any assistance given or work performed.

d. The local government must assure that it will continue to perform such emergency work as it is able and maintain the works.

The requests are made to the Director of DWR with a copy of the request to the appropriate District Office in Fresno or Sacramento.

The DWR District staff will review the request and, accompanied by personnel of the local agency requesting the aid, will make a field survey of the emergency. As a practical matter, in many cases, flood fighting can be done quickly by DWR without utilization of Section 128.

In the case of flood threat due to wild fires denuding a watershed, evaluation of the emergency is required and there is time for some planning. In these cases, the information needed by the Department of Water Resources includes:

1. A description of the disaster area by watershed, including photos (if available) of the region subject to damage, the size of the watershed burned, the types and percentage of vegetation and soils burned, and the size of the 100-year flood plain area to be protected.

2. Maps that show the needed emergency work, the burned areas, and the areas to be protected. Maps below burned areas should depict the 100-year flood plain. State funding is justified only where there is extensive potential damage within the 100-year flood plain.

3. Remedial works that are proposed to alleviate the pending disaster and their relevance to Department policies.

4. The number of homes, buildings, other structural facilities; and major public roads, the infrastructure to be protected within the 100-year flood plain, and the depth of inundation.

5. Estimated costs of the remedial works to reduce flood damage.

6. Should emergency measures not be taken, an estimated cost of expected damage to public and private structures and facilities related to the depth of inundation, should be included. The total value of structures or facilities is not acceptable as the estimated cost of damage.

After the information is evaluated, the Director will take action. If, in his opinion, an emergency exists, he will request the Governor to declare an emergency and make funds or other forms of resources available. Funds are not appropriated in advance for use during a declaration of emergency under the section, so the only source available is funding from the Governor's emergency fund or a new Legislative appropriation. The last two declarations (1978 LA Co. fires and flood fighting in San Jacinto River), have been funded by the Legislature long after the existence of the emergency and have served to reimburse local efforts. The Department will not support appropriations unless they contain flood hazard mitigation measures such as the land use control assurances required in SB 366(1976).

If the work is not done by the Department, an agreement is prepared between the Department of Water Resources and the applicant for the work.

The District DWR staff will verify the work accomplished and recommend payment.

The above procedures and constraints were described by Donald J. Finlayson, Assistant to District Chief, Southern District, DWR, The Resources Agency.

Emergency Bank Protection
Section 14 Assistance

Corps of Engineers

Description

The purpose of this program is to provide bank protection of highways, highway bridges and essential public works endangered by flood caused erosion. Public works are considered to be those facilities that serve the general public and that are owned and operated by Federal, State or local governments, e.g., highways, hospitals, schools, etc. The Corps of Engineers designs and constructs the project. An example of a funded project is construction of reinforced barriers at either side of bridge approachments.

Potential Problems and Constraints

1. Federal cost limit of $250,000 for any one project in any one fiscal year (this includes the cost of preparing a report). Non-federal interests are responsible for all project costs in excess of $250,000.

2. B/C must be greater than 1 based on the estimates that the potential failure could result in certain losses.

3. Restricted to protection of essential public works.

4. Project must be complete within itself and engineeringly feasible.

5. Non-federal interests must provide the "ABC" requirements: provide lands, easements, rights of way and utility relocations; hold and save the U. S. government harmless for damages; and agree to maintain the project at local cost after completion.

6. The time required from initiation of the project to completion of construction is about two years (one year for application, investigation, review and approval, and one year for design and construction).

Outlook for Use by District

Whenever an erosion problem has a hazard classification of IV (Urgent), such that structures are threatened or such that failure of a levee or drop structure in an urban area might occur causing significant damages, this program should be considered.

However, permanent solution of the problem must not be so urgent that it cannot wait the estimated two years necessary from initiation of the emergency bank protection project to completion of construction. The potential usefulness of this program should be investigated after every storm season either as part of flood emergency operations or as a general facility inspection.

Implementation

A letter should be sent to the Corps District Engineer describing the proposed project and willingness to provide the required local participation. The Chief of Engineers in Washington, D. C. approves an individual project on the basis of an investigation and report by the District Engineer.

Contact

Protection, Clearing and Straightening Channels

Corps of Engineers

Description

This program is similar to the Corps' Snagging and Clearing Program but provides single assistance only. If additional assistance is required, the work must be authorized by Congress or provided under the continuing authority program. Also, annual expenditures are limited to $300,000. One project was completed in FY 1979. Annual expenditures for FY 1979 were $215,000. The Chief of Engineers authorizes the project on recommendation of the Corps' District Engineer.

Outlook for Use by District

This program is not very useful because of the financial limitations of the program. It provides emergency assistance until a specifically authorized project can solve the problem. Potential usefulness of this program should be investigated as part of flood emergency operations.

Implementation

A letter should be sent to the Corps District Engineer describing the proposed project and willingness to provide the required local participation. The Chief of Engineers in Washington, D. C. approves an individual project on the basis of an investigation and recommendation by the District Engineer.

State Disaster Preparedness Grants

Office of Emergency Services

Description

The Disaster Relief Act of 1974, PL 93-288, authorizes "grants not to exceed 50 percent of the cost of improving, maintaining and updating State disaster assistance plans, except that no such grant shall exceed $25,000 per annum to any State." These improvement grants may apply to planning for disaster response in general, for specific disaster contingencies, for local and area mutual emergency support under State sponsorship, for long-range recovery, and for disaster mitigation and hazard reduction. Funds may also be used for other purposes, including design of disaster - related emergency systems, and public information and education programs.

These improvement grants are made to supplement the development grant program, now completed, in which each State received a maximum of $250,000 for the development of plans, programs, and capabilities for disaster preparedness and prevention.

Constraints

1. Yearly State allocation of not more than $25,000. (Range is $12,500 to $25,000, with an average of $24,000.)

2. Grant funds may not be used to procure or repair equipment, materials or facilities except as required for grant administration.

3. Matching requirement: 50 percent (cash or in-kind contribution by State or local government).

Outlook for Use by District

This program has limited usefulness because a small amount of money is available each year statewide and even this requires a 50 percent matching of local or state funds.

Implementation

Assistance would be obtained through an application to the State Office of Emergency Services.

II. FEDERAL NON-EMERGENCY PROJECTS

This section contains non-emergency sources of federal aid for which the District may apply directly. The programs described include:

. Small Watershed Grants (PL 566)	(SCS)
. Small Flood Control Projects (Sec. 205)	(COE)
. Large Flood Control Projects	(COE)
. Snagging and Clearing for Flood Control	(COE)
. Small Navigation Projects	(COE)
. Small Reclamation Projects (PL 984)	(BUREC)
. State Reimbursement of Local Share of Federal Projects	(DWR)

The state guidelines for cost sharing on Federal projects are included at the end of this section because a percentage of the non-Federal costs are usually eligible for reimbursement by the state. The state cost-sharing program applies to all Federal projects; for example, both the regular Corps of Engineers flood control program and the Section 205 Small Flood Control Project program are eligible for state reimbursement of the local right of way costs. This extends the usefulness of federal programs which have definite construction cost limits.

The District is currently involved in all but two of the above programs. These two are Snagging and Clearing Projects and Small Navigation Projects by the Corps of Engineers. These two programs have limitations which make them less useful, but are included for completeness.

Generally, a Federal project is required to be:

1. economically justified (B/C greater than 1); the value of potential damages prevented must exceed project costs.

2. engineeringly and environmentally feasible.

3. supported by local agencies with the following provisions:

   a. all necessary land rights, water rights and permits;

   b. a guarantee that the U.S. government will be held harmless for damages which might occur due to project construction; and

   c. an agreement to operate and maintain the completed work.

(These are called the "ABC" provisions.)

Small Watershed Grant Program
(PL 566 Projects)

Soil Conservation Service

Description

Public Law 83-566 (PL 566) is the Watershed Protection and Flood Prevention Act of 1954, as amended. It authorizes a program, administered by the Soil Conservation Service, which provides grants and technical assistance to plan and implement measures to protect, develop and utilize the land and water resources in small watersheds. SCS will share the costs of flood prevention, irrigation, drainage, sedimentation control, and public water-based fish and wildlife and recreation enhancement. Primary emphasis is placed on reduction of sediment and erosion damage, flood prevention to agricultural crops and pastures and small urban-rural communities. The program is intended primarily for rural purposes and there might be difficulty in gaining approval for a project benefitting an area that was more than 50% urban. Watershed area must not exceed 250,000 acres. Capacity of a single structure is limited to 25,000 acre-feet of total capacity and 12,500 acre-feet of floodwater detention capacity.

The Water Resources Development Act of 1974, also administered by SCS, supplements PL 566 by allowing cost-sharing of non-structural alternatives to prevent or reduce flood damages. Non-federal participation is to be comparable to the value of lands, easements, and rights of way which would have been required of non-federal interests for structural protection measures, up to 20% of project costs. Eligible activities for funding include:

1. Acquisition of floodplain land by purchase in fee title or through preservation easements.
2. Relocations
3. Floodproofing
4. Flood warning systems

5. Flood hazard mapping or other resource inventory needed for land use regulations.

Range of financial assistance is $20,000 to $13,000,000 with an average of $2,000,000. Technical and financial assistance provided by the program varies according to the purposes of the project. For example, for construction costs, program funds may pay 100% for flood prevention; up to 50% of agricultural water management, public recreation and fish and wildlife services and none of the construction costs for certain other non-agricultural water management purposes. Plans involving an estimated federal contribution for construction in excess of $5 million need approval by Committees of Congress. The State Conservationist may authorize projects with construction costs less than $5 million. This $5 million limit on non-Congressionally approved projects was established in recent legislation (December 1981); the previous cut-off point was $1 million. The raised limit makes this program more attractive because of the reduced time required for the approval process of projects with Federal costs under $5 million.

Under the new law, the Soil Conservation Service is allocated over a half billion dollars. Included in that total is $15,500,00 for river basin surveys and investigations, $8,690,000 for watershed planning, and $192,045,000 for watershed and flood prevention operations.

The California Water Code permits reimbursement of the costs of rights of way required for floodwater retarding structures which are part of Watershed Protection and Flood Prevention (PL 566) Projects. U. S. Department of Agricultural Soil Conservation Service policy encourages the inclusion of water conservation and recreation as project purposes in watershed protection projects. Since the legislation authorizing state financial assistance limits such assistance to the flood control purpose only, it is necessary that the costs of a project reservoir which includes water conservation or recreation as a project purpose be allocated to the various purposes which the reservoir serves. Rights of way and relocations eligible for assistance in connection with the flood control features of PL 566 reservoirs will be limited to joint use lands and facilities. Joint use lands will be determined by the Department of Water Resources.

The District currently has four PL 566 projects underway: two on Llagas Creek and one on Lower Silver Creek and one on Upper Penitencia Creek.

Advantages

1. Frees District funds for other projects which are not suitable for federal funding.

2. Provides financial assistance for non-structural as well as structural flood damage reduction measures.

3. State program provides reimbursement for percentage of local costs.

Potential Problems and Constraints

1. B/C must be greater than 1.

2. From filing of Notice of Intent to authorization of planning start requires up to two years. Preparation of a detailed planning report to authorization of funds requires another 1 - 2 years. Application and approval process is time consuming and requires a great deal of coordination effort.

3. Entire area of PL 566 watershed must be within a Resource Conservation District. This is not a statutory requirement but an SCS policy since the Resource Conservation District has responsibility for land treatment.

4. There are costs which must be borne by the local agency, such as right of way and land acquisition and for percentages of construction costs not allocated to flood prevention.

5. Maximum size of watershed cannot exceed 250,000 acres.

Outlook for Use by District

This program will provide flood control works and should be considered when potential projects meet the program requirements, such as benefitting an area which is at least 50% rural. The District should weigh the long time required to implement a PL 566 project when evaluating alternatives for funding.

Implementation

Under PL 566, projects are considered to be local projects under the local sponsoring organizations, with financial and technical assistance available fromthe Soil Conservation Service (SCS). The following are the major steps leading to the authorization of a project for installations:

1. A letter requesting assistance on a PL 566 project should be submitted to:

Eugene E. Andreuccetti
State Conservationist
Soil Conservation Service
2828 Chiles Road
Davis, California 95616

2. SCS personnel will make a preliminary field review of the project with the sponsors to see if it fits the program and appears to have economic feasibility.

3. The sponsors will notify State and local clearinghouses (ABAG) of their intent to apply for a PL 566 project. Notice of Intent forms are available fromthe State at:

Officer of the Governor
Office of Planning and Research
1400 Tenth Street
Sacramento, California 95814

4. The sponsors will hold a public meeting or possibly several meetings to get local input and reaction to the project. SCS personnel can assist with the meeting, if requested.

5. The sponsors will prepare an application. Assistance in the preparation is available from the SCS field offices. A draft copy should be sent to the SCS State Conservationist for comments prior to finalizing it.

6. The sponsors will submit the application for review and approval to the:

State Resources Conservation Commission
1416 Ninth Street, Room 1354
Sacramento, California 95814

7. After its approval, the Commission will submit the application to the SCS State Conservationist, who will acknowledge its receipt.

8. Priorities for planning assistance are assigned by the State Resources Conservation Commission, in cooperation with the SCS.

9. SCS will prepare a preauthorization report or a floodplain management study.

10. A planning authorization is requested from the SCS Administrator.

11. After planning is authorized, the SCS or the sponsor will obtain the necessary basic data and investigate several alternative solutions to the problem, along with appropriate costs for each alternative.

12. The alternatives will be presented to the sponsors and at public meetings for selection of an alternative.

13. A draft work plan and environmental impact statement will be prepared on the selected alternative.

14. The draft plan and EIS will undergo a series of reviews by the SCS, other agencies, interested organizations, and the public.

15. The final plan and EIS will be submitted to the Secretary of Agriculture, then to the Assistant Secretary of Agriculture, then to the Office of Management and Budget, then to Congress for authorization to install.

16. Funds for installation are allotted each year by the SCS Administrator.

17. Design and construction contracts can be handled by either the SCS or the sponsors.

In an effort to see how the application process might be made more efficient, the history of actions in applying for a PL 566 on Lower Silver Creek was reviewed.

The Board's initial response to the PL 566 proposal on Lower Silver Creek included concern about:

1. The requirement for local input, local committees.

2. The amount of District staff time involved in doing joint projects with federal government agencies.

3. The effect of a new PL 566 project on other joint federal projects.

The Board requested more information. A period of two months elapsed from the time a possible PL 566 was suggested to the Board until authorization to submit an application for feasibility study (Notice of Intent) was obtained. Authorization might be obtained more quickly in the future if the following information was developed before approaching the Board.

1. Project description
    - A. Problem definition: Number of homes, businesses, acres affected, potential for damage, historic flooding, maps of floodplain and flood elevations.
    - B. Total cost
    - C. Right of way and land acquisition needs.
    - D. Interrelation with other projects: Effects of other projects on one being proposed and vice-versa.
2. Overall financial picture
    - A. Reserve funds
    - B. Annual income
    - C. Maintenance/administration cost
    - D. Committed obligations
    - E. Alternatives for project funding/implementation.
3. Recommended funding source (implementation strategy) for project
    - A. Who administers program
    - B. Purpose of program
    - C. History of program's use in California and Santa Clara County.
    - D. Competition for funds under this program.
4. Estimates of project costs
    - A. Total project
    - B. District's share

C. Other sponsor's share(s): federal, State County, City, private developer, etc.

5. Estimates of District's manpower commitments through project completion (application process, design, construction, etc.). What are the roles of other sponsors?

6. Estimated time schedule through project completion

A. What are critical stages in application process?

B. At what stage will District have a good indication that funding can be obtained?

C. What steps have already been taken (e.g. tentative cooperation established with local sponsors, public meetings held, etc.)?

7. How agency will use information the District has already developed (e.g. agency will need to independently compute benefits, review previous public involvement, modify EIR to comply with federal EIS, identify an environmental quality plan, etc.).

8. Explanation of how use of this funding program will affect federal involvement in other District projects.

Small Flood Control Projects
(Section 205 Projects)

Corps of Engineers

Description

Section 205 of the 1948 Flood Control Act authorizes the Corps of Engineers to design and construct small flood control projects. Federal cost limit for these projects as of December 16, 1981, is $4,000,000. Prior to December 16, 1981, the limit was $2,000,000 or $3,000,000 if projects benefitted an area that had been declared a Federal disaster area in a period five years prior to authorization. Now the program has been simplified with a single funding limit of $4,000,000.

Constraints

1. Federal cost limit of $4 million.

2. Project must be a complete and separable solution to the flooding problem. The requirement of "completeness" means that the Corps' improvements will provide a level of protection to safely convey the 1% flood through that reach. The requirement of "separableness" means that the Corps will do substantially new construction, not finishing up of a project the District has started, rehabilitation, or maintenance. It is unclear how the Corps would approach a flooding problem in a comingling floodplain, whether "complete and separable" work on one creek would be acceptable as a project even if it did not solve all the flooding problems.

3. Project must be economically feasible (B/C greater than 1). Value of potential damages reduced by project must be greater than the cost of the project, thus an urban project is more likely to be a good candidate for a Section 205 project than a rural one. The Corps will also use possible project impacts on inadequate downstream reaches in its economic analysis, so adequacy of downstream channel should be considered in deciding whether a project might be suitable for Section 205 assistance.

4. Project must be engineeringly feasible.

5. Local agency cooperation includes:

a. provision of lands and rights of way;

b. responsibility for all project costs in excess of $4 million;

c. responsibility for damages (the "hold-harmless" clause);

d. responsibility for maintenance after project completion;

e. prevention of future encroachment which might interfere with proper functioning of project for flood control;

f. provision of cash contribution for land enhancement benefits and for costs assigned to project features other than flood control;

6. EIS requirements must be satisfied (coordinated with state).

7. Time Allowances: Two to three years are needed to complete a Reconnaissance Report and to get a Detailed Project Report to the Office of Chief of Engineers in Washinton D.C. for approval. Three to eight years is the range of time from first initiation of project to completion of construction.

8. National funding level of the program is about $19-20 million.

Outlook for Use by District

If the SCVWD can identify projects which meet the constraints, especially the first three listed (i.e., project is within $4 million cost limit, constitutes a complete and separable solution of flooding problem, and B/C greater than 1) there is a good chance of being able to use Section 205 assistance. This program should particularly be considered for projects in urban areas, where downstream work has already been done on a creek. By careful planning, it may be possible to use the Corps of Engineers' Small Flood Control Program for the last $4 million dollar's worth of work necessary to complete flood control on a creek (provided benefits have not been reduced too much by the SCVWD's own work on the creek).

The Corps' San Francisco District gets 3-5 requests per year and encourages SCVWD to contact them for help in identifying potential projects. There doesn't seem to be any worry within the Division about the number of viable project applications submitted by or approved within one District. Los Angeles District has three projects now about ready for construction. Approval depends on the qualities of the individual projects. Conceivably the SCVWD could submit five project applications, and if they all met the constraints, they would eventually be approved, funded and constructed. A request for Section 205 assistance would require at least two years to be processed and approved, and another two years for project construction. These time requirements should be evaluated by considering when the District could accomplish the same project by alternative means.

The timetable for the Section 205 project on Berryessa Creek is shown below:

Initial Letter of Application	January 1981
Corps Initiates Reconnaissance Report	March 1981
Reconnaissance Report Completed	January 1981
OCE Funding and Detailed Project Report Begun	April 1982
Detailed Project Report completed	February 1984*

Implementation

SCVWD would contact the District Engineer and preliminary investigation would be conducted to see if a full Reconnaissance Report and Detailed Project Report should be done. The Corps has $5,000 automatically to spend on a Reconnaissance Report; if a project looks good the Corps' District Office will write to the Office of Chief of Engineers (OCE) for the rest of the money to complete the Reconnaissance Report (costs up to $15,000 to $20,000 totally). At this point a letter signed by the General Manager or Chairman of the Board should be sent to the Division Engineer requesting such a study. On the basis of the Reconnaissance Report, funding for the Detailed Project Report is approved; approximately $190,000 was approved for the Detailed Project Report for Berryessa Creek. The Detailed Project Report must be approved by the District, Division, and Office of Chief of Engineers. It seems that if a project gets through the District and Division to OCE, there is almost a certainty it will be approved. The question is when will it be funded and constructed. Not more than $30 million annually can be appropriated by Congress for small flood control projects, and the range has been $14-20 million per year. After approval projects are put in a backlog for writing up of plans and specs, and again on a backlog for construction.

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* In the Detailed Project Report on Berryessa Creek, it was determined that project costs would be well above the $4,000,000 limit. The study was transferred to the Guadalupe River and Adjacent Streams General Investigation.

Project proposals submitted by the Corps Districts are prioritized by the Division. Prioritizing by the South Pacific Division is done on the basis of "probability that something will get done", i.e., economic justification, environmental impacts, whether or not there is a history of problems with local support, etc.

OCE looks at the priority lists submitted by the 11 Divisions, meshes them together taking into consideration the different prioritizing criteria of the Divisions, and allocates funds until they're gone. There is a policy of avoiding geographic favoritism, and political representatives have some influence in the selection process.

Project approval is based among other things on extent of damage reduction (urban projects favored over rural), whether or not there is any "Federal interest" in the project. Projects cannot be something to do with maintenance. Upgrading a levee is one example of a project done in the San Francisco District.

Contacts:

Corps of Engineers

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Flood Control Projects

Corps of Engineers

Description

Federal participation in flood control projects is authorized by the "commerce clause" of the Contitution. The Corps of Engineers is responsible for the general flood control program throughout the United States as authorized by PL 74-738 (Flood Control Act of 1936). Measures such as dams and reservoirs, levees, floodwalls, diversion channels, channel alterations and nonstructural alternatives may be planned and constructed under this authorization. The federal government finances studies authorized by Congress and conducted by the Corps of Engineers as a preliminary to authorization of federal projects and for the guidance of state and local agencies. When projects are authorized for construction the federal government typically assumes construction costs allocated to flood control. In the case of major dams and reservoirs the federal government assumes total cost, including those for operation and maintenance, allocated to the flood control function.

In general, local interests are required to:

A. provide all lands, easements, rights of way, and utility, highway and structural relocations and alterations, and water rights

B. agree to hold and save the United States free from damages due to the construction work

C. operate and maintain the works after completion (e.g., preserving certain channel capacities)

(These are called the "ABC" requirements.) The Flood Control Act of 1936 places a 50% cost limit on the state/local share of federal projects. Therefore, if the construction costs do not exceed 50% of the total project cost, the Federal government will pick up costs for lands, easements and other project elements up to its 50% requirement. Local interests may also be required to regulate floodplain use and development to reduce losses from the residual flood hazard and to prevent encroachment upon the improved floodway.

If project costs are less than $4,000,000, Congressional authorization of a study or construction is not required and the Corps' Small Flood Control Project program may be utilized.

If project costs are less than $15 million ($10 million if project was authorized before October 1976) the Secretary of the Army may recommend authorization under Section 201 of the Flood Control Act or 1965. This section was developed so that relatively minor projects would not have to wait for authorization of the whole Congress. Under this Section, a project may be authorized by Committee resolution in either the House or the Senate.

The State will reimburse a portion of the local costs of rights of way and relocations which are necessary for construction of federal flood control projects. This program is outlined under State Programs.

Three flood control studies are currently authorized by Congress and being conducted by the Corps of Engineers in Santa Clara County. These are:

1) the Guadulupe River and Adjacent Streams Study;
2) the San Francisco Bay Shoreline Study; and
3) the Pajaro River Basin Study.

In the Flood Control Act of 1941 Congress directed the Corps to conduct a preliminary examination and survey of the Guadalupe River and tributaries, including adjacent streams. Included in the study are the following waterways: Guadalupe River and its six tributaries (Los Gatos, Ross, Canoas, Guadalupe, Alamitos, and Arroyo Calero Creeks); Matadero, Adobe, Barron, Permanente, Stevens, Calabazas, Saratoga and San Tomas Aquino Creeks; Coyote Creek, Lower Penitencia and Berryessa Creeks with their six main tributaries, Upper Penitencia Creek and Silver-Thompson with eleven tributaries, as well as numerous tributaries in the mountainous area of Coyote Creek including Shingle, Las Animas, San Felipe, Cow, Packwood, Canada de los Osos and Fisher Creeks; and San Francisquito Creek.

A separate survey report for San Francisquito Creek, authorized by the Chief of Engineers in February 1957, was completed in 1961. The first stage of a preliminary survey report for the Guadalupe River and adjacent streams was completed in 1972. The second stage of the preliminary survey, completed in June 1980, concentrated on Guadalupe River and Coyote Creek. This study concluded that flood protection is not economically justified nor in the federal interest on all of Coyote Creek, parts of Guadalupe River and a large portion of the comingled baylands floodplain. Stage 3 of the Guadalupe River and Adjacent Streams Survey Investigation will concentrate on further development of alternatives for the reach of Guadalupe River justified by the National Economic Development policy objective.

The Water Resources Development Act of 1976 authorizes the Corps of Engineers to study the saltwater flooding problems from San Francisco Bay in Santa Clara and other Bay area counties. The San Francisco Bay Shoreline Study was initiated in November 1978 and the Reconnaissance Report completed in FY 1982. A Draft Feasibility Report in scheduled for 1986.

The Pajaro River Basin Study was initiated by a resolution adopted in 1945 by the Committee on Flood Control of the U. S. House of Representatives. Approval of the final design is expected in May 1985 for flood control measures along a reach of Uvas-Carnadero Creek near Gilroy. Several similar studies of flooding in the Pajaro River Basin have been conducted over the years by the Corps. Studies can be initiated or resumed any time after the original authorization. No flood control projects by the Corps of Engineers have yet been constructed in Santa Clara County.

Constraints

1. Project must be economically feasible (B/C greater than 1).
2. Project must be engineeringly feasible.

3. Project must be environmentally feasible and conform to constraints specified in legislation such as the Rare and Endangered Species Act, the Clean Air Act, Natural Historic Preservation Act and State and Federal wetland policies.

4. The level of public participation and local support is an important input in Corps project evaluation and studies.

5. A long time is required for authorization and completion of studies. The San Francisco Bay Shoreline Study required approximately three years for authorization and it is anticipated eight years will be required for completion. The other two Santa Clara County studies (Guadalupe River and Adjacent Streams and the Pajaro River Basin have required much longer (30-40 years) and are subject to funding by congressional appropriations and political decisions.

6. The District and other local agencies must supply the "ABC" requirements specified previously.

Corps planners give specific consideration to the four separate planning objectives set forth in Section 209 of the Flood Control Act of 1970 (Public Law 91-611) to enhance 1) regional economic development; 2) the quality of the total environmental, including its protection and improvement; 3) the well-being of the people of the United States; and 4) the national economic development. These general objectives must be reflected in the specific planning objectives for a project study area.

Outlook for Use by the District

This program may be useful when project construction costs are over $4 million and there are insufficient funds from other sources for construction. Potential projects must meet the economic, environmental and other program criteria. The District should weigh the long time required to implement a Corps flood control project when evaluating alternatives for funding.

Implementation

A letter should be sent to the Corps' District Engineer requesting that a creek be studied under one of the existing authorizations (Guadalupe River and Adjacent Streams, San Francisco Bay Shoreline Study, or Pajaro River Basin). These studies cover most of the areas in Santa Clara County in which the Corps might find a federal interest in doing flood control work. The specific procedures involved in a major Corps flood control project are described on the following pages.

How Corps of Engineers Projects are Initiated, Authorized and Constructed

The Corps of Engineers never initiates an investigation or a project. Local interests initiate, Congress authorizes and the Corps of Engineers plans and constructs Federal water resources development projects. The major steps in initiating and processing such projects are outlined in the following paragraphs.

Local interests inform their Senator or Representative in Congress of navigation, flood-control or related water resources problems that they have or of improvements that they desire, and request that a Federal study be made.

A congressional committee resolution or an act of Congress may then authorize the Corps of Engineers to investigate the problem and submit a report.

When the investigation is authorized, the Chief of Engineers assigns it to the appropriate Division Engineer, who refers it to a District Engineer for accomplishment. After receipt of the directive and funds for the studies, the District Engineer begins the required engineering, economic and environmental investigations, as well as the necessary coordination with local interests and other agencies. An initial public meeting is held to advise local people of the nature and scope of the investigation and to ascertain their views on problems, needs and the types of improvements desired.

After careful consideration of the desires and needs of local people and detailed study of data obtained through field and office investigations (and assuming there is a positive potential solution to the problem under study, the District Engineer develops alternative plans of improvement considered to be suitable to the problem under consideration. Planning workshops, citizens advisory committees or similar methods of citizen involvement in planning are arranged by the District Engineer to insure that alternative plans of improvement for an area are developed as a joint effort by Corps planners and affected citizens. The District Engineer presents the alternative plans at a second public meeting to obtain the opinions of local people as to which of the plans best satisfies community needs. Sufficient public meetings are held to insure that all viewpoints are considered before the District Engineer formulates a definite plan.

On the basis of the views expressed by local citizens and government and a systematic analysis of problems and the best overall plan for their solution, the District Engineer prepares a feasiblity report making pertinent recommendations, and also prepares an environmental impact statement delineating the effects of any proposed project on the environment. The draft of the feasibility report is reviewed by State and Federal agencies and citizens groups, and ther comments are included in the report and in the final environmental impact statement.

When a structural plan of improvement is selected, local interests must indicate their support of the proposed plan and their intent to meet the requirements of local cooperation. These assurances must be in the form of a formal document from an agency of local government that is empowered to represent the concerned area and to incur public debt. These data and the recommendations of the District Engineer are included in the report. A recommendation by the District Engineer for structural improvements is largely dependent upon local acceptance of the project proposed under the plan and its justification on the basis of economic, environmental and social considerations.

The Division Engineer reviews the report, adds his recommendations and transmits the report and the environmental impact statement to the Corps' Chief of Engineers. The report and the statement are referred to the Board of Engineers for Rivers and Harbors for review. All interested parties recieve a public notice summarizing the findings and recommendations of the District and Division Engineers and informing them that they may present their views on the matter to the Board of Engineers for Rivers and Harbors within a specified period of time.

The Board of Engineers for Rivers and Harbors reviews the environmental impact statement and the reports of the District and Division Engineers, and carefully considers any additional information received from interested parties. The Board prepares its report, including recommendations, and transmits it to the Corps' Chief of Engineers. Upon receipt of the recommendations of the Board, the Chief of Engineers prepares the report for submittal to Congress. Interested Federal agencies and governors of affected states are given opportunity to comment on the recommendations of the Chief of Engineers. After full consideration of these comments, the Chief of Engineers submits the report to the Secretary of the Army, who obtains the views of the Office of Management and Budget before transmitting the report to Congress and submits the environmental impact statement to the Council on Environmental Quality. The Council provides an advisory service to the President.

The House and Senate Committees on Public Works may hold hearings on the report findings with a view toward formulating a bill to include authorization of the recommended project. If the project is included in a Flood Control or River and Harbor Act, enactment of the act constitutes the necessary authorization. Funding for further efforts by the Corps must be provided by separate congressional appropriation action.

Often, a number of years may elapse between authorization of the project and appropriation of funds. Thus, it is necessary for the District Engineer to reevaluate the authorized project in the light of current economic, environmental and social factors. At an initial public meeting, he presents the authorized project plan and alternatives to that plan, and solicits comments regarding the adequacy of the authorized plan under current conditions. If required, he requests local interests to appoint a citizens advisory committee and conducts planning workshops in his reanalysis of the situation to either reaffirm or reformulate the desired plan. These studies are identified as phase i of the general design memorandum studies.

After detailed analysis of all reasonable alternatives, the District Engineer holds a second public meeting to determine the consensus of the public. Based on public reaction and local recommendations, the District Engineer selects a definite plan that he considers best fulfills the needs and desires of the people, and updates the environmental impact statement on file with the Council on Environmental Quality as a result of the feasibility study. He then presents the plan at a final public meeting, where all interested parties are given full information as to why the recommended project plan was selected instead of the alternative plans considered and are invited to submit their views and comments on the selected plan. When the interested parties generally are in agreement that the project plan selected is the optimum plan, the District Engineer forwards his report (phase I, general design memorandum) and the updated environmental impact statement through the Division Engineer to the Chief of Engineers, who in turn transmits the report and statement to the Board of Engineers for Rivers and Harbors for approval.

Upon approval, the District Engineer's planners begin detailed functional project design studies to support, with refinements of technical design details, the structures necessary to achieve the objectives selected in the reaffirmed or reformulated plan presented in phase I of the general design memorandum. The prepare a second report (phase II, general design memorandum), which when approved constitutes the beginning of the end of the long planning process. The District Engineer then prepares plans and specifications for construction of the project, awards a contract - and construction of the project begins. Prior to the start of construction, another public meeting is held, usually at the time the project construction contract is advertised for bids. At this meeting, interested parties are appraised of proposed constructed activities.

Design and construction of each project are in accordance with the authorizing acts and such other general laws as may be applicable. Appropriation of funds by Congress generally governs the rate of progress.

Snagging and Clearing for Flood Control

Corps of Engineers

Description

This program provides for the design and construction of projects to reduce flood damages by "removing accumulated snags and other debris; and cleaning and straightening of channels in navigable streams and tributaries thereof". Current policy requires that work under this authority is "limited to clearing and snagging or channel excavation and improvement with limited embankment construction by use of materials from the channel excavation. If investigation indicates that placement of revetment is needed to provide a complete and fully effective project, the local interests should provide for the item of construction either by work or by cost contribution". Flood control projects at six locations were under construction in 1979. Annual expenditures for the program were about $700,000 in FY 1979. The most recent example of a project of this type in the San Francisco District is on the Pajaro River in the vicinity of Watsonville which was constructed in 1957.

Potential Problems and Constraints

1. Federal cost limit of $250,000 for any single tributary during any one fiscal year (this includes cost of preparing a report on feasibility and justification). Non-federal interests are responsible for all project costs in excess of $250,000.

2. B/C must be greater than 1, i.e., potential flood damages which would result from not clearing the channel must be greater than cost of clearing.

3. Project must be complete within itself and engineeringly feasible.

4. Non-federal interests must provide the "ABC" requirements: provide lands, easements, rights of way, and utility relocations; hold and save the U. S. government harmless for damages; and agree to maintain the project at local cost after completion.

5. The time required from initiation of the project to completion of construction is about one year (at least this is the Corps' objective).

Outlook for Use by District

The type of assistance offered by this program is not particularly useful to the District. Very limited erosion repair would be allowed at Federal expense. It is questionable whether the resulting assistance is significant enough to warrant the application and coordination effort. Still, the potential usefulness of this program should be investigated after every storm season either as part of flood emergency operations or as a general facility inspection.

Implementation

A letter should be sent to the Corps of Engineer describing the proposed project and willingness to provide the required local participation. The Chief of Engineers in Washington, D. C. approves an individual project on the basis of an investigation and report by the Division Engineer.

Small Navigation Projects

Corps of Engineers

Description

Section 107 of the River and Harbor Act of 1960 permits the Corps of Engineers to spend up to $2,000,000 on any single project, out of a national total of $25,000,000 per year, for the construction of small river and harbor improvement projects which will result in substantial benefits to navigation. The Corps designs and constructs the project. An example of this type of project is Berkeley Harbor in Alameda County which was completed in 1965 and which is now being expanded by construction of a sheet pile breakwater. Projects at 23 locations nationwide were under construction in FY 1979. Projects must provide adequate public landing or wharf, piers, access roads, parking areas and other needed public facilities open and available to all on equal terms.

Constraints

1. Projects must provide general navigation benefits.

2. Federal cost limit of $2,000,000. Non-Federal interests must assume responsibility for costs in excess of $2,000,000 and contribute for all project costs for construction and maintenance relating to recreational, land enhancement or other special local benefits.

3. Projects usually require four or more years from initiation of report to completion of construction.

4. Non-Federal interests must provide the "ABC" requirements: provide lands, easements, rights-of-way, and utility relocations; hold and save the U.S. government harmless for damages; and agree to maintain the project at local cost after completion.

Outlook for Use by District

The type of assistance offered by this program is not very useful to the District. Possibly an application might be found in the Alviso or Palo Alto areas.

Small Reclamation Projects
(PL 984 Projects)

Water and Power Resources Service

Description

This program, administered by Water and Power Resources Service, provides loans and possible grants for rehabilitation, improvement or construction of water resource development projects located in the 17 westernmost contiguous States and Hawaii.

A variety of projects may be undertaken under the Small Reclamation Project Act. Projects can be single-purpose irrigation or drainage, or multipurpose, including municipal and industrial water supplies, flood control, fish and wildlife, recreation development, and hydroelectric power. Construction grants can be made for costs allocated to flood control and for a portion of the costs allocated to fish and wildlife enhancement and recreation development, if such development is of general public benefit.

Examples of funded projects include construction of dam and reservoir and canal rehabilitation; replacement of open canal with pipeline; rehabilitation of pumping plants, canals, laterals and drains for irrigation and municipal use.

Loans and/or grant appropriations by Congress have totaled $30 - $40 million per year nationwide. The range of individual project loan amounts is $700,000 to $18,000,000, with an average value of $9,000,000. The limit on loan amounts is $26,000,000, and total project costs must not exceed $39,000,000.

The District is applying for a PL 984 loan/grant to enlarge Calero Reservoir. Little grant money for flood control benefits is anticipated since this is a small portion of the project benefits compared with water conservation and recreation.

Outlook for Use by District

This is primarily a loan program, though grants can be made for costs of multi-purpose water resource development allocated to flood control and for a portion of the costs allocated to fish and wildlife enhancement and recreational development. The program applies to projects such as to dams and reservoirs which have multiple purposes and benefits, and is not useful for projects whose primary purpose is flood control (floodwalls, channel improvements, levees, etc.).

Also the District must finance Bureau of Reclamation's evaluation of application, acquisition of water rights, and rights of way. The program would not be helpful if the major costs of a project are land and right of way acquisition.

The last constraint is the lengthy application and approval procedure (see "Implementation"), which can be expected to take at least two to three years.

For the above reasons, this program has limited usefulness as a method to finance flood damage reduction measures.

Implementation

The application and approval process is as follows:

1. The District's Board of Directors would have to pass a resolution approving the application for funds.

2. File Notice of Intent with the Bureau of Reclamation Regional Director, the Regional Office of the Bureau of Sport Fisheries and Wildlife, the State Fish and Game Department, with designated clearinghouses, and with other project participants.

3. Meeting and field inspection by Bureau of Reclamation.

4. Prepare application report and submit to Bureau of Reclamation and State, along with EIS. Preliminary contract negotiations initiated to develop a proposed repayment plan for loans and establish applicalbe grant amounts.

5. Application report returned with revisions by Bureau of Reclamation Regional Director.

6. Resubmit report to required state agencies and other agencies for review.

7. Submit application report, EIS, and $1,000 check, and other agency comments to Bureau of Reclamation Regional Director. Bureau of Reclamation prepares draft repayment contract and submits to applicant (District) for review.

8. Bureau of Reclamation reviews application and comments of other agencies and forwards them to the Secretary of the Interior with recommendations. Also, using the Environmental Impact Study Report as a base, the Bureau prepares a draft environmental statement and processes it in accord with established guidelines and instructions.

9. Bureau of Reclamation prepares final environmental statement and submits it to the Secretary for forwarding to the Council on Environmental Quality.

10. If the Secretary finds the project proposal to be acceptable, he obtains clearance by the Office of Management and Budget, gives final approval to the proposal, and submits it to the Congress as required by the Act.

11. The approved project proposal must then be before the Congress for 60 days while the Congress is in session, without adverse resolution by either of the respective Interior and Insular Affairs Committees, before funds can be appropriated.

12. When the Bureau of Reclamation and applicant arrive at agreement on a draft of repayment contract, and after the Secretary has approved the project proposal, the proposed repayment contract is submitted to the Secretary for approval as to form.

13. Subsequent to the approval of the application and contract form by the Secretary, and following the selection, the contract is executed.

14. If appropriate, the applicant obtains validation of the contract by a court of competent jurisdiction.

15. Upon appropriation of funds by the Congress and submission of required work scheduling by the applicant, the Bureau of Reclamation advances funds for preparation of designs and specifications and for the accomplishment of other necessary preconstruction activities, in accordance with scheduled amount.

16. Applicant prepares designs and specifications, by agreed-upon program units. Prior to initiation of actual work on designs, it will be necessary to have a meeting or meetings between the applicant and the Bureau of Reclamation to reach an understanding on design requirements and criteria and upon form and content of specifications.

17. Bureau of Reclamation advances funds for construction by program units upon approval of the designs and specifications for the same program units.

18. Applicant initiates construction. During the construction period, the Bureau of Reclamation will make sufficient inspections to assure that construction is being carried out in accordance with the approved designs and specifications.

19. Project operation begins. During project operation, the Bureau of Reclamation will make periodic reviews as necessary to determine that the project is being properly maintained.

Contact:

Regional Loan Engineer
Water and Power Resources Service
(916) 484-4347

State Reimbursement of Local Costs of Federal Flood Control Projects

Department of Water Resources

Description

Most of the following information is taken from the "Guidelines for State Reimbursement on Flood Control Projects" published by the Department of Water Resources.

The State Legislature has established a policy of financial assistance to local agencies cooperating in the construction of federal flood control projects (Chapters 1 through 4, Part 6, Division 6 of the California Water Code). State assistance is limited to reimbursement of all or a portion of the costs of rights of way and relocations which are necessary for construction of the flood control features and of 50 percent of the nonfederal capital costs of recreation and fish and wildlife enhancement features of a project.

Eligible right of way costs include those necessary to secure rights of way permanently necessary for construction of the flood control project. These include associated costs such as salaries of employees, costs of securing appraisals, survey costs, legally required relocation assistance payments, title reports, title insurance, preparation of deeds and agreements, cost of printing summons and complaints, filing fees, reporter's fees, witness fees, jury fees, recording fees, and similar expenses directly attributable to acquisition of rights of way. Rights of way necessary only for maintenance or for flowage easements are not currently eligible for reimbursement.

Eligible relocation costs are those necessary to provide "equivalent usefulness" of bridges, utilities, homes and other structures which must be moved in order to construct the flood control project. The standard width adopted for replacement of public roads is an equivalent number of 12-foot lanes or existing pavement width, whichever is greater.

Standard width adopted for replacement of public bridges is 28 feet plus safety curbs and railings for a two-lane bridge unless the existing crossing or paved roadway at the bridge is greater than 28 feet. Other details of relocation standards are contained in the State Guidelines.

The local agency is responsible to the federal agency for acquiring rights-of-way and making relocations. If the local agency complies with these guidelines, it can expect reimbursement of the State share of its costs. The Department of Water Resources expects the local agency to do everything within its power to prevent the construction or installation of public or private works which will require relocation at the time of project construction. The local agency is expected to contact those responsible for the issuance of building permits, the approval of subdivision maps, and any other agency exercising control of land use and to advise them of the potential rights of way requirements of the project. The local agency should document its efforts in this area. If, in the opinion of the Department, the local agency has not exercised due diligence in prevention of encroachments in the project area, the cost of relocating the encroaching works will not be eligible for reimbursement by the State.

The Cobey-Alquist Floodplain Management Act places additional requirements for eligibility for State funds on the local agency. This Act requires that the local agency establish floodplain management regulations for the project area. These regulations must be established within one year following notification by the Department. If the local agency fails to establish the necessary flood plain management regulations, the project will not be eligible for State financial assistance.

The legislative intent of the State financial assistance program is to reimburse the local agency for the state share of project costs. In order to carry out project construction in an orderly manner, the agency must have adequate funds to acquire rights of way and make relocations and pay the cost of this work pending State reimbursement. Therefore, the Department expects the local agency to establish a revenue base for the project.

It is suggested that a revolving fund of at least one-third of the nonfederal project cost should be established for this purpose. In the case of a project which will continue over several years, funds sufficient to carry the local program for at least six months should be available. It has been the Department's experience in administering this program that a local agency without an adequate revenue base encounters problems which invariably delay project construction.

The Department will do everything reasonably possible to see that local agency costs are reimbursed at an early date. However the Department reimburses local agencies on a first-come, first-serve basis until all funds budgeted for that fiscal year are dispersed. Once all funds are dispersed, requests made by local agencies are put on a priority list for the next fiscal year. Thus, it is possible for reimbursement to be delayed significantly. The local agency must remember at all times that it is responsible for incurring and paying project costs.

The determination of the percent of State financial assistance will be considered final and will be used throughout the life of the project unless significant modifications are made to the project plan or the local agency requests that the reservoir portion of the watershed protection project be considered for a grant under the Administration of State Financial Assistance for Local Projects (Davis-Grunsky) Program. In the former case, a new cost allocation, based on the revised project plan and current cost and benefit estimates, will be made and previous reimbursements will be adjusted. In the latter case, the cost allocation used to determine the Davis-Grunsky grant will control and an adjustment of previous reimbursements to the local agency will be made if necessary.

Additional State financial assistance in connection with the recreation and fish and wildlife enhancement features of a floodwater retarding structure is described in the

Guidelines for State Reimbursement on Flood Control Projects.

Amendments to Chapters 1 and 4, Part 6, Division 6 of the Water Code, commencing at Section 12570 and 12850, respectively, establish a policy of state-local cost sharing for rights of way and relocation costs in connection with the flood control features of a project. The policy applies to projects which received State authorization after November 10, 1969. Projects authorized by the State before this date receive reimbursement for all costs.

The legislation establishes the following general formula for cost sharing:

State Share =

$$0.75 \left(\frac{\text{Flood Damage Reduction Benefits}}{\text{Total Benefits}}\right) \quad \text{x} \quad (\text{Rights-of-Way Costs})$$

$$+0.90 \left(\frac{\text{Flood Damage Reduction Benefits}}{\text{Total Benefits}}\right) \quad \text{x} \quad (\text{Relocation Costs})$$

Local Share =

$$0.25 \left(\frac{\text{Flood Damage Reduction Benefits}}{\text{Total Benefits}}\right) \quad \text{x} \quad (\text{Rights-of-Way Costs})$$

$$+0.10 \left(\frac{\text{Flood Damage Reduction Benefits}}{\text{Total Benefits}}\right) \quad \text{x} \quad (\text{Relocation Costs})$$

$$+1.00 \left(\frac{\text{Land Enhancement Benefits}}{\text{Total Benefits}}\right). \quad \text{x} \quad (\text{Rights-of-Way + Relocation Costs})$$

For purposes of administering this formula, total benefits are defined as the sum of flood damage reduction benefits and land enhancement benefits. Other benefits associated with a project will not be used in computing the State and local shares of the right of way and relocations necessary for the flood control features. The percentage determined by the first two factors in each element of the formula will be applied to actual costs to compute the amount of State financial assistance.

The local agency can receive a credit against its share of rights of way costs for lands required for the project which were acquired not more than five years prior to federal authorization of the project.

The State/local cost-sharing program is subject not only to the Cobey-Alquist Floodplain Management Act, but other State policies as well. Appendix contains DWR regulations governing administration of the Cobey-Alquist Act; DWR policies and criteria for floodplain management, as specified in Bulletin 199 of September 1980; and State Executive Order B-39-77 mandating floodplain management practices. Current policies attempt to incorporate a more flexible, broad approach to flood control, with more consideration of land use regulation, non-structural alternatives and impacts on society and the environment.

Some policy issues which are still being resolved include:

1. Treatment of the flowage easement concept for induced floodwaters as part of a non-structural solution;
2. Treatment of costs associated with environmental or social impacts and mitigation measures;
3. Standards for minimum bridge width replacement (Department of Transportation vs. Department of Water Resources);
4. Treatment of costs of right of way needed for maintenance only (no right of way needed for channel improvements);
5. Treatment of the non-federal portion of floodproofing costs (20%) for homes and businesses;
6. Cost-sharing with other State agencies (e.g., Department of Transportation).

Outlook for use by the District

This program is the basic source of State assistance for local costs of federal flood control projects. It can be very useful in accomplishing construction of flood control facilities, and applications should be filed in conjunction with any federal flood control project.

Implementation

The legislation provides that the Department will determine the State share at, or prior to, the time the project report is submitted to the Congress (for small flood control projects it will be determined when the report is submitted to the Chief of Engineers). For projects already having federal authorization, the determination will be made when State authorization is sought by the local agency.

Prior to filing claims for state financial assistance with the Department, the local agency must do the following:

1. Submit two certified copies of all resolutions giving assurances of local cooperation to the federal agency constructing the project.

2. Submit resolutions giving assurance that it will hold and save the State of California free from damages due to the construction and operation of the project and guaranteeing public access to project land and water areas when the State participates in the costs of recreation and fish and wildlife enhancement features.

3. Submit resolutions designating the local agency's representative authorized to file claims for State assistance.

4. Submit copies of all requests from the federal agency regarding local cooperation on project requirements.

The procedure for filing claims for reimbursement and claims for advances or loans is detailed in the Guidelines. Sample forms are included in the appendices.

Contact

Will Graves, John Hyde, Russ Franson, Mr. Carl
Department of Water Resources
(916) 445-9854

III. FUNDS FOR CULVERT ENLARGEMENTS

This section contains two programs which are useful for enlargement or replacement of culverts and bridges:

- Capital Improvement Programs
- Federal Aid Highway Program

Capital Improvement Programs

Description

A capital improvement program is a city's or county's comprehensive listing and description of planned capital facilities together with their estimated costs, projected over a period of years. Capital facilities are public buildings, streets, storm drains, parks and playgrounds, water and sewer systems and other assets of a more or less permanent nature. Flood control facilities have sometimes been included in city or county programs when financing is available and when they are of direct benefit to the city's or county's service area. The work is usually funded by a special bond issue and with financial contributions from other local, state or federal agencies.

An example of an existing policy relating city capital improvements to District interests are the joint guidelines for bridge construction and cost sharing between the City of San Jose and the District (See Appendix C).

Information necessary to establish city capital improvement priorities and estimated costs of projects is obtained through studies (e.g. pavement deficiency studies, water master plans) and through surveys (e.g. municipal service appraisal surveys). Businesses, industry, community groups and residents call attention to such deficiencies as inadequate parking space, recreational facilities, street lighting, etc. Based on this information the City Manager and his staff will compile a proposed capital improvement plan which is submitted to the city council for approval. Once a program is adopted, it is usually subject to amendment as needs and priorities change, until the next capital improvement program is compiled.

The establishment of priorities and what projects will or will not be included in the program is a function of many factors including:

1. need for the project as perceived by the community,
2. willingness of the community to fund the project,

3. distribution of available funds among the types of capital improvements (e.g. street improvements, water supply and sewers, parks, etc.),

4. equity in distribution of benefits from capital improvements; the program should not favor one neighborhood or part of the city to the detriment of another part;

5. political inputs; city council members are under pressure to get certain projects into the capital improvement program.

The most favored projects are usually those related to health and safety (street lights, water supply and sewer improvements, etc.) and those that promote a healthy business and investment climate which leads to an increased tax base.

Funds to implement capital improvement measures are obtained from a variety of sources: gas tax funds, bonds, building permit fees, developer contributions, state and federal grants (e.g. Transportation Development Act funding, Clean Water Grants, Housing and Community Development block grants, etc.), municipal improvement assessment districts, taxes and existing reserves. In a capital improvement program each project is related to a source of funds to finance the improvement (see Appendix D for a sample capital improvement budget).

Redevelopment Agency projects may or may not be included in the capital improvement program. If the Redevelopment Agency board is the same as the city council, it is likely that redevelopment projects will be included. (See "Community Redevelopment".)

The county has a capital improvement program similar to cities'. Their program is prepared by the planning department and approved by the County Board of Supervisors.

Disadvantages

1. It is unlikely that a city can raise very substantial sums for flood control work (depends on the size and resources of the city).

2. The District is in the position of depending on the city or county to raise the money, and, therefore, has less control over the project and over the money. For

example, money raised for flood control work may end up being used for costly studies or for some other capital improvement.

Advantages

1. Communities take more active responsibility and develop the frame of mind that they shouldn't wait for someone else (the District) to raise money for flood control work.

2. Projects may be accomplished sooner.

3. District still plays a large role in planning and design coordination, perhaps in construction, operation and maintenance.

Outlook for Use by District

Because flood control work is costly compared with other capital improvements, the main obstacle to getting this work included in cities' capital improvement programs is convincing cities that funding can be found.

The District can identify smaller projects which might be wholly financed by the city or county, or identify portions of larger projects which the city or county can finance (for example, bridges and land acquisition).

These potential projects are most appropriately suggested if they:

1. (for city programs) are within the incorporated area or provide flood control benefits to part of the incorporated area;

(for county program) are within the unincorporated area or provide flood control benefits to part of the unincorporated area.

2. are in redevelopment areas.

3. are in high value areas such as the downtown.

4. provide flood protection of city or county facilities.

5. provide substantial flood damage reduction benefits but are not currently within the District's financing capability due to higher priority projects.

The District should approach the City Manager with specific proposals, or a list of potential projects; vague requests that the city include "flood control work" in its capital improvement program usually conjure up images of prohibitively expensive projects. The District should keep in mind the financial resources of the city in identifying suitable projects, and be willing to help the city investigate and implement methods of funding (e.g. prepare community development block grant plans, establish developer drainage fees, etc.).

Federal Aid Highway Program

Description

The purpose of the program is to assist the State Highway Agency (CALTRANS) and provide for the building or improvement of primary, secondary and urban systems roads and streets, including their repair following disaster. This program includes the Federal Bridge Replacement and Rehabilitation Program. Funds may be used for various transportation-related activities including bridges, bikeways, pedestrian walkways, parking facilities and rest areas. California receives $15-20 million annually from the nationwide program. All capital projects in urban areas of more than 50,000 population must be based on a continuing comprehensive planning process. Although CALTRANS is the basic applicant, proposals for projects in urban areas from counties or other political subdivisions can be submitted through CALTRANS. Range of approval/disapproval time is up to five months.

Some constraints of the program are:

1. A relatively small portion of the program funding is available for projects separate from highway projects.

2. Formula and matching requirements: the normal Federal share is 90 percent for Interstate and safety projects, 80 percent for bridge replacement and rehabilitation, and 75 percent for most other projects.

3. In cases of repair following disaster, a declaration of State of Emergency must have been made by the Governor.

Outlook for Use by the District

This program is useful where:

1. bridges or culverts must be replaced because they are inadequate both hydraulically and with respect to traffic or structural design.

2. a flood emergency has occurred in which hydraulically inadequate bridges or culverts have been damaged and need replacement or rehabilitation.

There are 13 local bridges scheduled for improvements during federal fiscal years 1986 through 1989. This list is contained in Exhibit A. The City of San Jose estimates traffic capacity sufficiency of its bridges and Exhibit B contains ratings of the Guadalupe River bridge crossings. CALTRANS estimates of remaining years of structural life for Guadalupe bridges are included on the list.

Implementation

The District may request that the County Transportation Agency inspect and evaluate bridges which the District is planning to replace or restore within the next ten years. The county needs to know:

1. Bridge name and location (the name generally refers to the creek or river crossed).
2. Whether or not the bridge is on the Federal Road System.

The program includes bridges that are both on and off the federal system. The sufficiency evaluations are based upon "structural adequacy and safety" (55%), "serviceability and functional obsolescene" (30%), and "essentiality for public use" (15%). Exhibit C shows the composition of each of these rating factors. Exhibit D contains a list of local bridges that have been rated. Bridge sufficiency ratings of 50 or below are eligible for financial assistance and are placed on a priority list. Exhibit F contains local bridges with sufficiency ratings less than 50. As mentioned before, 13 of these bridges are scheduled for improvement during federal fiscal years 1986 through 1989.

Requests for repair and rehabilitation of bridges following a flood emergency should be directed to the State Office of Emergency Services through the County Emergency Service Center by the local government concerned. The District should coordinate with cities and the county to find out which bridges are being proposed for repair following a flood emergency, and determination made whether or not those bridges can be improved at the same time for hydraulic adequacy.

Contacts

John Wolfhausen
Santa Clara County Department of Transportation
(408) 299-2362

Erwin A. Dames
City/County Liaison Engineer
Department of Transportation
Post Office Box 3366, Rincon Annex
San Francisco, California 94119
(415) 557-1840

Vernon Banks
Office of Structures Maintenance
Transportation Building
1120 N Street
Sacramento, California 95807

EXHIBT A

BRIDGE REPLACEMENT SCHEDULE
FEDERAL BRIDGE REPLACEMENT AND REHABILITATION PROGRAM

Llagas Creek @ Gilman Road	86
Guadalupe @ Willow Glen Way	86
Silver Creek @ Marberg Way	86
San Francisquito @ Newell Road	86
Guadalupe @ Hillsdale	86
Herbert Creek @ Alamitos Road	86
Llagas Creek @ Church	88
Calabazas Creek @ Pierce	88
Silver Creek @ Wooster	89
Guadalupe River @ Malone	89
Miller Slough @ IOOF Avenue	89
Coyote Creek @ Old Alviso Milpitas Road	89
Stevens Creek @ Stevens Canyon Road	89

JCL
LCF

[illegible]

EXHIBIT B

CITY OF SAN JOSE, CALIFORNIA

801 NORTH FIRST STREET
SAN JOSE, CA 95110
(408) 277-4000

DEPARTMENT OF PUBLIC WORKS
A. R. TURTURICI, DIRECTOR

February 6, 1980

Mr. Randy Talley, Associate Civil Engineer
Predesign Division
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118

Subject: Bridge Crossings at Guadalupe River

Dear Mr. Talley:

Submitted is the information requested for bridge crossings at the Guadalupe River, as listed in your letter of December 17, 1979.

The year of construction of each bridge has been researched from the City Public Works Department Microfiche files and the County's old survey records. The remaining years of structural life of the bridges are estimated according to the Revised Bridge Reports prepared by CALTRANS in recent years, taking into consideration when a report was made.

As to whether a bridge is adequate for present traffic and at what point will traffic exceed its capacity, "Existing ADT" and "Estimated Maximum Capacity" are provided for each crossing. Recent traffic counts taken by the City Transportation Division staff at intersections nearest the bridges are used, since no direct counts on bridges are available. The maximum capacity estimates are also related to the intersections nearest the bridges where the Level-of-Service is analyzed and used as a gauge to predict the maximum limits. With one exception, all listed crossings appear to be adequate for their existing traffic loads. The exception is the Hedding Street Bridge just west of the Guadalupe Parkway. It has a roadway width of 44 feet, providing four 11-foot lanes with no separate left turn lane at the approach to Guadalupe Parkway. The most recent Level-of-Service analysis here shows that at a given morning peak hour, the ratio of the critical traffic volume to the critical capacity is 1.05, (Level-of-Service "E"), which is not acceptable by the adopted City of San Jose standards.

If you have any questions regarding the above information, please contact Art Mendoza or Pier Maggiani at 277-5161.

Very truly yours,

A. R. Turturici
Director of Public Works

Attachment

DKD:JFB:Pr

EXHIBIT B, cont.

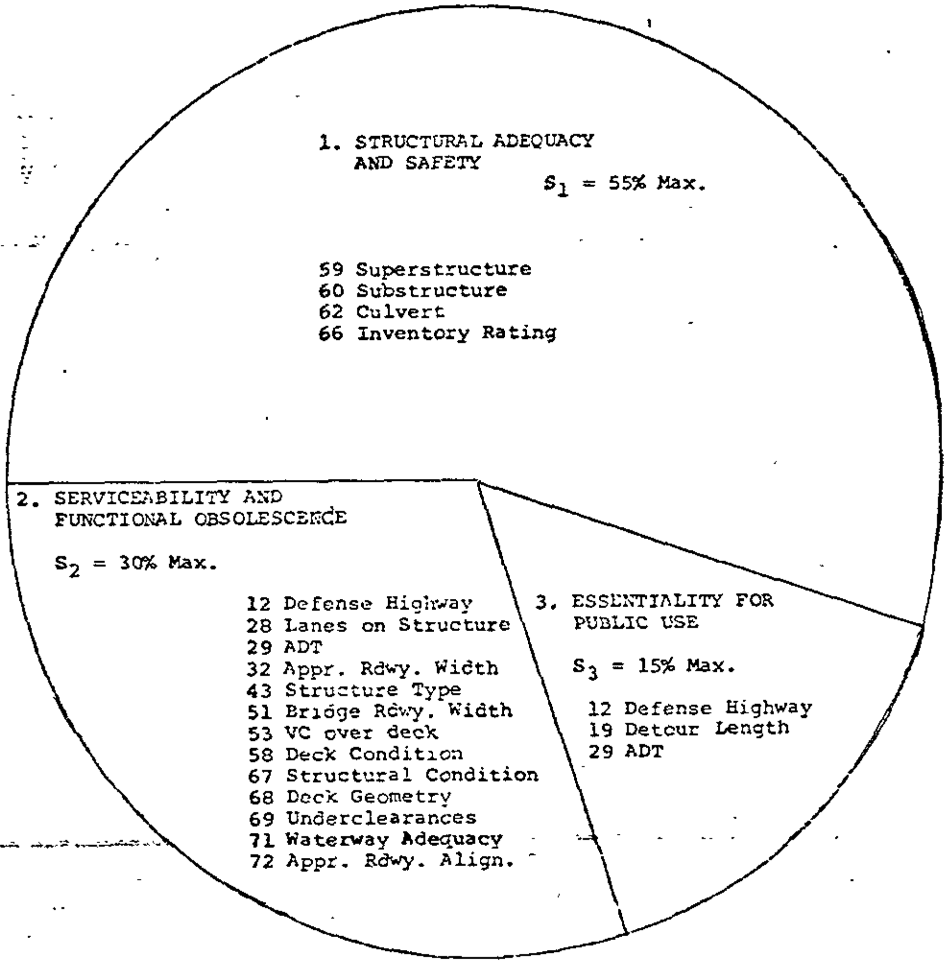
BRIDGE CROSSINGS AT GUADALUPE RIVER

Crossing On	Year Built	Estimated Remaining Years	Existing Traffic (ADT)	Estimated Maximum Capacity
Trimble Road	1960	40	20,690	30,000
Hedding Street	1953	40	25,620	25,000
Taylor Street	1936	30	13,460	15,000
Hobson Street	1930	30	1,530	3,000
Coleman Avenue	1955	40	15,310	25,000
St. John Street	1932	30	2,550	3,000
Santa Clara Street	1924	30	19,070	25,000
San Fernando Street	1926	30	3,260	5,000
Park Avenue	1928	30	7,390	10,000
San Carlos Street, Reconstructed	1957	40	17,230	25,000
Auzerais Street	1928	30	5,480	10,000
Virginia Street	1936	40	5,430	10,000
Willow Street	1917	20	6,540	10,000
" " Widened	1955			
Alma Street	1962	40	10,070	15,000
Willow Glen Way	1916	20	3,530	5,000
" " " Altered	1974			
Malone Avenue	1916	20	4,690	5,000
Curtner Avenue	1957	40	14,200	20,000

EXHIBIT D

C

SUMMARY OF SUFFICIENCY RATING FACTORS



4. SPECIAL REDUCTIONS

S_4 = 13% Max.

19 Detour Length
36 Rail Ratings
43 Structure Type, Main

SUFFICIENCY RATING = $S_1 + S_2 + S_3 - S_4$

Sufficiency Rating shall not be < 0 nor > 100

SANTA CLARA CO

BRIDGE NUMBER	PKD RTE S	DI ST	FEATURES INTERSECTED	RDSEC	DT	LNCS ONUN	ADT	APP WID	RAIL RATE	STR TYP	BR WID	V CL OVER	COND DSSC	INV RAT	APPRS SDUWA	YEAR C RC	OPR RAT	IMPR COST	SUFF RATING
37C0561	141000000	04	MATADERO CREEK	0000	02	0200	000550	021	0000	104	0200	9999	5355	219	34N46	1800	234		019.8
37C0562	141000000	04	LITTLE ARTHUR CREEK	0000	11	0200	000196	023	0000	111	0180	9999	N456	232	33N47	0900	254		047.4
37C0563	141000000	04	LITTLE ARTHUR CREEK	0000	12	0200	000310	019	0000	104	0200	9999	7757	117	33N44	2500	128		051.3
37C0564	141000000	04	LITTLE ARTHUR CREEK	0000	11	0200	000310	019	0000	104	0200	9999	5667	118	33N67	2500	130		066.4
37C0565	141000000	04	FISHER CREEK	0000	99	0100	000010	019	0000	701	0110	9999	996N	230	93N69	7800	243		068.8
37C0566	141000000	04	LLAGAS CREEK	0000	03	0200	000570	024	0000	202	0200	9999	5566	221	36N37	2300	236		049.5
37C0567	141000000	04	SAN FELIPE CREEK	0000	99	0100	000010	018	0000	310	0120	9999	776N	111	33N54	0677	117		038.1
37C0569	141000000	04	ARROYO CALERO CREEK	0000	02	0200	000040	019	0000	104	0200	9999	7777	218	33N58	2400	228		066.8
37C0570	141000000	04	STEVENS CREEK	0000	09	0200	001150	021	0000	302	0248	9999	578N	218	33N43	5700	234		047.5
37C0571	141000000	04	STEVENS CREEK	0000	09	0200	001150	024	0000	101	0270	9999	6666	237	64N44	2664	263		080.7
37C0572	141000000	04	STEVENS CREEK	0000	09	0200	001150	022	0000	302	0248	9999	577N	219	33N44	5700	232		049.3
37C0573	141000000	04	STEVENS CREEK	0000	09	0200	001150	019	0000	104	0220	9999	7777	227	43N44	7400	250		063.2
37C0574	141000000	04	STEVENS CREEK	0000	99	0100	000540	014	0000	302	0110	9999	977N	210	33N43	5678	218		020.2
37C0575	141000000	04	STEVENS CREEK	0000	99	0100	000540	014	0000	302	0120	9999	777N	209	33N44	5676	212		019.0
37C0576	141000000	04	STEVENS CREEK	0000	99	0100	000540	016	0000	302	0120	9999	776N	212	34N44	5676	219		029.9
37C0577	141000000	04	STEVENS CREEK	0000	99	0100	000540	018	0000	302	0110	9999	987N	205	33N44	5678	210		010.1
37C0578	141000000	04	STEVENS CREEK	0000	99	0200	000540	021	0000	101	0238	9999	777N	219	33N54	5200	232		043.3
37C0579	141000000	04	FISHER CREEK	0000	02	0200	001700	025	0000	101	0245	9999	7776	230	47N37	2700	252		072.5
37C0580	150000000	04	UVAS CREEK	0000	06	0200	001160	024	0000	204	0220	9999	777N	248	73N76	4700	282		077.3
37C0581	141000000	04	PACHECO CREEK	0000	99	0200	000150	024	0000	204	0220	9999	777N	264	73N74	4700	299		074.6
37C0582	141000000	04	BODFISH CREEK	0000	99	0200	000010	018	0000	104	0200	9999	777N	219	33N44	3900	234		060.4
37C0583	141000000	04	BODFISH CREEK	0000	99	0200	000050	018	0000	104	0200	9999	7776	216	33N54	3900	228		055.5
37C0584	141000000	04	LOS GATOS CREEK	0000	99	0100	000040	016	0000	204	0160	9999	666N	221	33N83	1700	234		055.8
37C0589	141000000	04	FISHER CREEK	0000	02	0200	000070	020	0000	101	0200	9999	777N	234	73N79	2600	257		092.2
37C0593	141000000	04	MAGDALENA CREEK	0000	02	0200	001880	022	0000	101	0200	9999	666N	236	63N36	2400	261		073.6
37C0595	150000000	04	SILVER CREEK	0000	01	0200	002120	040	0000	119	0399	9999	999N	236	98N88	7900	259		096.8
37C0700	1510C0100	04	GUADALUPE CR (MERIDIAN)	0000	04	0400	000210	063	0000	201	0740	9999	999N		98N86	7500			*096.9
37C0701	1510C0400	04	COYOTE CR (JULIAN)	0000	02	0200	014320	040	1000	204	0400	9999	777N		78N86	3300			*095.9
37C0727	150000000	04	COYOTE CREEK	0000	02	0200	002200	044	0000	201	0440	9999	788N	241	78N63	7100	268		092.7
37C0732	1500C2760	04	COYOTE CR (E WILLIAM)	0000	02	0200	006140	030	1000	204	0238	9999	677N	115	64N85	9900	122		066.1
37C0736	150000000	04	GUADALUPE RIVER	0000	01	0200	000630	036	0000	201	0363	9999	666N	230	48N63	3500	236		086.9
37C0739	150000000	04	GUADALUPE RIVER	0000	01	0200	000630	036	0000	104	0360	9999	666N	228	48N63	3500	248		084.7
37C0742	150000000	04	GUADALUPE RIVER	0000	01	0200	002140	040	0000	104	0400	9999	666N	225	38N67	3500	241		082.7
37C0743	1510C0520	04	GUADALUPE RIV (TAYLOR)	0000	01	0400	010890	040	1000	202	0402	9999	777N	227	44N86	3600	245		070.3
37C0752	150000000	04	PENITENCIA CREEK	0000	02	0200	000690	020	0000	104	0182	9999	544N	110	33N44	2500	116		020.0
37C0757	150000000	04	PENITENCIA CREEK	0000	01	0200	001500	021	0000	104	0232	9999	666N	110	33N54	1500	116		048.1
37C0758	150000000	04	BERYESSA CREEK	0000	03	0600	001500	074	0000	201	0743	9999	888N	232	84N88	7900	255		092.4
37C0759	141000000	04	SAN FRANCISQUITO CREEK	0000	02	0400	001800	064	0000	119	0000	9999	777N	236	77N76	48	259		*081.7
37C0760	150000000	04	PENITENCIA CREEK	0000	01	0500	008000	070	0000	119	0701	9999	888N	236	84N75	7000	259		093.4
37C0761	150000000	04	PENITENCIA CREEK	0000	01	0200	001750	055	0000	119	0557	9999	888N	236	88N75	6500	259		095.9
37C0762	150000000	04	PENITENCIA CREEK	0000	01	0200	000750	040	0000	119	0400	9999	888N	236	88N75	6500	259		095.9
37C0763	150000000	04	PENITENCIA CREEK	0000	01	0200	000500	036	0000	119	0365	9999	888N	236	88N75	6500	259		096.0
37C0764	150000000	04	PENITENCIA CREEK	0000	01	0200	005000	040	0000	119	0277	9999	888N	236	84N56	6000	259		078.5
37C0765	150000000	04	FAIR OAKS AVE OVERHEAD	0000	01	0402	021000	068	0000	105	0580	9999	788N	236	744N5	6700	261		085.2
37C0766	150000000	04	MATADERO CREEK	0000	01	0200	002300	026	0000	101	0300	9999	777N	115	44N75	2975	125		075.6
37C0767	150000000	04	MATADERO CREEK	0000	01	0200	000900	021	0000	101	0200	9999	777N	115	44N58	3300	125		064.5
37C0768	150000000	04	MATADERO CREEK	0000	01	0200	003000	032	0000	101	0341	9999	877N	115	48N79	3500	125		082.3
37C0769	150000000	04	MATADERO CREEK	0000	01	0200	001000	030	0000	101	0300	9999	877N	115	47N78	3900	125		078.7
37C0770	150000000	04	MATADERO CRK	0000	01	0200	001000	034	0000	101	0344	9999	877N	115	48N78	4000	125		082.5
37C0771	150000000	04	MATADERO CREEK	0000	01	0200	001000	040	0000	101	0398	9999	888N	236	88N58	5200	259		095.9

EXHIBIT E

STRUCTURES MAINTENANCE SYSTEM

SUFFICIENCY RATING ITEMS

LOCAL-AGENCY BRIDGES

FEDERAL CODING GUIDE ITEMS
LISTED IN THE FOLLOWING ORDER:

ITEM 8 BRIDGE NO.
ITEM 5 ROUTE ITEMS
ITEM 2 DISTRICT
ITEM 6 NAME
ITEM 12 RD SECT. NO.
ITEM 19 DETOUR
ITEM 28 LANES
ITEM 29 ADT
ITEM 32 APPR. RDWY WIDTH
ITEM 36 RAIL RATE
ITEM 43 STRUCTURE TYPE
ITEM 51 BRIDGE WIDTH
ITEM 53 VERT CL OVER DECK
ITEM 58 DECK
ITEM 59 SUPERSTRUCTURE
ITEM 60 SUBSTRUCTURE
ITEM 62 CULVERT
ITEM 66 INVENTORY RATING
ITEM 67 STRUCTURAL COND
ITEM 68 DECK GEOMETRY
ITEM 69 UNDERCLEARANCE
ITEM 71 WATERWAY ADEQUACY
ITEM 72 APPR. RDWY ALIGN
ITEM 27 YEAR BUILT
ITEM 64 OPERATING RATING
ITEM 84 IMPROVEMENT COST
SUFFICIENCY RATING

EXHIBIT E, cont.

FEDERAL HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION

LOCAL AGENCY ELIGIBLE BRIDGE LIST

ON-SYSTEM AND OFF-SYSTEM CITY AND COUNTY BRIDGES WITH SUFFICIENCY RATE < 50.0

All : 50
TATION AGENCY

IMP YEAR "XY" NO FUND LOCAL-AGENCY REQUEST F.Y. 84 - 85
BDR* FACT = BRIDGE DEFICIENCY RATE FACTOR COUNTY 37 (SCL)

IMP YEAR "XX" PROBABLY WILL NOT BE FUNDED
COST* = ALL ELIGIBLE ITEMS INCLUDED
COST = STRUCTURES ITEMS ONLY

									---- PROPOSED IMPROVEMENT ----					
BRIDGE NUMBER	DI ST	ROUTE	FEATURE INTERSECTED	FACILITY CARRIED BY STRUCTURE	CITY	ADT	ADT YR	DET LNGTH	TOT LNGTH	CLR WDTH	LANES ON	FISCAL YEAR	COST $1000	DATE LAST INSPECTED	BDR* FACT
37C0021	04	00000	SILVER CREEK	WOOSTER AVE	SJ	1300	75	99	70	40	02	89	162	06/16/83	108.54
37C0035	04	00000	SILVER CREEK	MARBERG WAY	SJ	4400	77	02	70	40	02	86	200	06/16/83	132.80
37C0089	04	00000	ISABEL CREEK	SAN ANTONIO VLY RD		77	80	85	90	28	02	XX	162	08/08/83	69.48
37C0091	04	00000	BEAUREGUARD CRK	SAN ANTONIO VLY RD		90	80	70	60	24	02	XX	78	08/08/83	92.26
37C0093	04	00000	UVAS CR	UVAS RD		1951	80	16	220	40	02	XY	554	02/09/83	114.94
37C0103	04	0V904	CARNADERO CRK	BLOOMFIELD RD		215	81	03	90	24	02	XX	152	02/08/83	65.52
37C0111	04	0C014	SAN TOMAS CREEK	QUITO RD	SAR	4500	83	05	30	40	02	XX	57	04/05/83	75.20
37C0159	04	00000	ALAMITOS CR	ALAMITOS RD		693	80	14	152	28	02	XX	296	03/09/83	73.03
37C0164	04	00000	LLAGAS CR (OAK GLEN)	OAK GLEN AVE		600	76	06	80	28	02	XX	156	02/09/83	68.81
37C0165	04	00000	LLAGAS CREEK	OAK GLEN AVE		814	80	14	80	28	02	XX	132	02/09/83	86.38
37C0167	04	00000	LLAGAS CREEK	EDMUNDSON AVE		1601	80	04	134	32	02	XX	370*	02/09/83	104.64
37C0211	04	0C271	GUADALUPE RIVER	WILLOW GLEN WAY	SJS	3010	81	03	95	40	02	86	300	05/10/83	109.24
37C0223	04	0C403	SAN FRANCISQUITO CR	NEWELL RD	PA	2600	81	01	50	40	02	86	200	06/07/83	115.08
37C0237	04	0C387	UPR PENITENCIA CR	PENITENCIA CR RD	SJS	1390	76	04	50	40	02	XX	116	03/10/83	73.61
37C0238	04	0C387	UPR PENITENCIA CR	PENITENCIA CR RD	SJS	500	78	04	30	32	02	XX	43	03/10/83	72.92
37C0261	04	0C124	GUADALUPE RIVER	HILLSDALE AVE	SJS	7200	80	01	90	40	04	86	420*	05/10/83	106.17
37C0262	04	0C269	GUADALUPE RIVER	MALONE RD	SJS	1840	78	01	125	40	04	89	315	05/10/83	83.55
37C0271	04	0C206	MILLER SLU	IOOF AVE	GIL	5000	78	01	60	40	02	89	175	02/10/83	83.54
37C0293	04	0C139	CALABAZAS CREEK	PIERCE RD	SAR	1570	77	02	40	32	02	88	54	04/04/83	94.47
37C0321	04	00000	MILLER SLU	FOREST ST	GIL	6500	81	01	70	40	02	XX	193	02/10/82	92.15
37C0501	04	00000	HERBERT CREEK	ALAMITOS RD		10	79	99	30	24	02	XX	35	03/09/83	59.25

FEDERAL HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION

LOCAL AGENCY ELIGIBLE BRIDGE LIST

ON-SYSTEM AND OFF-SYSTEM CITY AND COUNTY BRIDGES WITH SUFFICIENCY RATE < 50.0

IMP YEAR "XY" NO FUND LOCAL-AGENCY REQUEST F.Y. 84 - 85 IMP YEAR "XX" PROBABLY WILL NOT BE FUNDED

BDR* FACT = BRIDGE DEFICIENCY RATE FACTOR COUNTY 37 (SCL) COST* = ALL ELIGIBLE ITEMS INCLUDED

COST = STRUCTURES ITEMS ONLY

BRIDGE NUMBER	DI ST	ROUTE	FEATURE INTERSECTED	FACILITY CARRIED BY STRUCTURE	CITY	ADT	ADT YR	DET LNGTH	TOT LNGTH	CLR WDTH	LANES ON	FISCAL YEAR	COST $1000	DATE LAST INSPECTED	BDR* FACT
									---- PROPOSED IMPROVEMENT ----						
37C0502	04	00000	HERBERT CREEK	ALAMITOS RD		10	79	99	40	24	02	XX	57	03/09/83	89.97
37C0503	04	00000	HERBERT CREEK	ALAMITOS RD		10	79	99	40	24	02	XX	57	03/09/83	78.60
37C0505	04	00000	HERBERT CREEK	ALAMITOS RD		10	79	99	30	24	02	86	35	03/08/83	134.01
37C0506	04	00000	HOOKER CREEK	ALDERCROFT HTS RD		31	80	99	40	24	02	XX	52	08/09/83	62.49
37C0507	04	00000	LOS GATOS CREEK	ALDERCROFT HTS RD		31	80	99	60	24	02	XX	78	08/09/83	76.41
37C0508	04	00000	LOS GATOS CREEK	ALDERCROFT HTS RD		31	80	99	60	24	02	XX	78	08/09/83	92.49
37C0510	04	00000	ALMITOS CREEK	HILL RD		72	80	99	60	24	02	XX	86	03/09/83	81.76
37C0512	04	00000	PENITENCIA CREEK	ALUM ROCK FALLS RD		10	80	99	100	24	02	XX	169	08/08/83	80.74
37C0515	04	00000	ALAMITOS CREEK	BERTRAM RD		373	80	01	60	24	02	XX	86	03/09/83	92.94
37C0519	04	00000	LLAGAS CREEK	BUENA VISTA AVE		565	80	05	168	40	02	XX	400	02/08/83	94.43
37C0525	04	00000	LLAGAS CREEK	CHURCH AVE		1140	80	03	210	40	02	88	530	02/10/83	118.03
37C0529	04	00000	UVAS CREEK	CROY RD		195	80	99	50	24	02	XX	72	02/09/83	92.43
37C0537	04	00000	LLAGAS CREEK	GILMAN RD		1100	84	04	155	32	02	86	376*	03/08/83	131.95
37C0539	04	00000	COYOTE CREEK	GILROY HT SPNGS RD		10	80	99	130	24	02	XX	220	08/10/83	104.31
37C0543	04	00000	ISABEL CREEK	KINCAID ROAD		18	80	99	110	24	02	XX	172	08/08/83	76.01
37C0553	04	00000	HALE CREEK	MAGDALENA COURT		150	78	99	30	24	02	XX	35	08/29/83	78.28
37C0556	04	00000	COYOTE CREEK	OLD ALVSO MILPT RD		210	82	01	110	24	02	89	186	08/30/83	108.50
37C0561	04	00000	MATADERO CREEK	OLD PAGEMILL ROAD		550	78	02	30	28	02	XX	40	06/07/83	103.27
37C0562	04	00000	LITTLE ARTHUR CREEK	REDWOOD RETREAT RD		196	80	11	40	24	02	XX	57	02/09/83	69.88
37C0566	04	00000	LLAGAS CREEK	RUCKER AVE		494	82	03	140	40	02	XX	340	02/10/83	75.65
37C0567	04	00000	SAN FELIPE CREEK	SAN FELIPE RD NO 2		88	80	99	40	24	02	XX	57	08/30/83	81.50

FEDERAL HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION

LOCAL AGENCY ELIGIBLE BRIDGE LIST

ON-SYSTEM AND OFF-SYSTEM CITY AND COUNTY BRIDGES WITH SUFFICIENCY RATE < 50.0

IMP YEAR "XY" NO FUND LOCAL-AGENCY REQUEST

F.Y. 84 - 85

IMP YEAR "XX" PROBABLY WILL NOT BE FUNDED
COST* = ALL ELIGIBLE ITEMS INCLUDED
COST = STRUCTURES ITEMS ONLY

BDR* FACT = BRIDGE DEFICIENCY RATE FACTOR

COUNTY 37 (SCL)

									---- PROPOSED IMPROVEMENT ----						
BRIDGE NUMBER	DI ST	ROUTE	FEATURE INTERSECTED	FACILITY CARRIED BY STRUCTURE	CITY	ADT	ADT YR	DET LNGTH	TOT LNGTH	CLR WDTH	LANES ON	FISCAL YEAR	COST $1000	DATE LAST INSPECTED	BDR* FACT
37C0570	04	00000	STEVENS CREEK	STEVENS CYN RD		1150	78	09	60	32	02	XX	102	08/30/83	71.13
37C0572	04	00000	STEVENS CREEK	STEVENS CYN RD		1150	78	09	40	32	02	XX	68	08/30/83	71.16
37C0574	04	00000	STEVENS CREEK	STEVENS CYN RD		540	78	99	60	28	02	XX	90	08/30/83	97.37
37C0575	04	00000	STEVENS CREEK	STEVENS CYN RD		540	78	99	60	28	02	XX	90	08/30/83	98.27
37C0576	04	00000	STEVENS CREEK	STEVENS CYN RD		540	78	99	60	28	02	XX	90	08/30/83	92.10
37C0577	04	00000	STEVENS CREEK	STEVENS CYN RD		540	78	99	60	28	02	89	90	08/30/83	106.02
37C0578	04	00000	STEVENS CREEK	STEVENS CYN RD		540	78	99	30	28	02	XX	36	08/29/83	67.68
37C0752	04	00000	PENITENCIA CREEK	ALUM ROCK FALLS RD	SJS	690	80	02	36	28	02	XX	49	03/10/83	103.29
37C0757	04	00000	PENITENCIA CREEK	NOBEL AVE	SJS	1500	79	01	44	40	02	XX	102	03/09/83	79.12
37C0794	04	00000	SILVER CK	LAUSETT AVE	SJ	1	80	01	50	24	02	XX	72	03/09/83	96.00
37C0803	04	00000	SILVER CK	SUNSET COURT	SJ	1	80	01	60	24	02	XX	86	03/09/83	91.01
37C0807	04	00000	DIRT ROAD OVERCROSSING	ALUM ROCK FALL RD	SJS	50	78	02	50	24	02	XX	72	03/10/83	103.30

COUNTY TOTAL 8300

COUNT 54

Explanatory Notes

Bridge Number: State assigned system

Route: On-system are alpha-numeric
Off-system are shown as zeroes

Features Intersected: All topographic barriers such as streams, canyons, railroads, roads, etc., are shown.

Item 21 Custodian:

Item 22 Owner:						
	3	County	7	Private	9	Unknown
	4	City	8	Combination		

Item 29 ADT:

Item 30 ADT Year:

Local Agency should update, as necessary, as ADT has a decided effect on the sufficiency rate.

Item 73 Proposed Year of Replacement: Date shown is based on sufficiency rate and the probable year of funding. Realistically, this date probably won't be accelerated, and may very well slip due to lack of funds or local agency desire to delay to later date. Local Agency should update, as necessary, keeping this concept in mind.

Item 76 Proposed Length of Improvement: Based on existing bridge length.

Item 78 Proposed Width of Improvement: Based on required geometric standards related to ADT.

Item 79 Proposed Number of Lanes: Local Agency should update Items 76, 78 & 79, as necessary.

Item 84 Proposed Cost of Improvement: Beginning with the 79-80 F.Y. allocation, all FHWA established items of work are eligible for funding. These are as follows: Preliminary Engineering; R/W Acquisition; Utility Relocation; Limited Approach Roadway; Bridge Construction; Existing Bridge Removal; Bridge Detour, as needed; & Construction Engineering.

Only Bridge Construction Costs are now shown in Item 84. The Local Agency must update this cost, if necessary, as well as provide a detailed estimate of all other desired eligible items of work listed above, which they wish to be included in the allocation. This total cost will be frozen Oct. 1, 1979 and will be used to fund eligible candidates in the 79-80 F.Y. Realistically, only update structure costs shown to be replaced in the years 80 or 81 under Item 73.

Sufficiency Rating: Only those less than 50.0 shown.

IV. FUNDS FOR REHABILITATION OF DEVELOPED AREAS

This section contains programs which provide funds for urban development.

- Community Redevelopment
- Community Redevelopment Block Grant
- Grants and Loans for Public Works and Development Facilities
- Economic Development Grants, Supplemental Funding
- Urban Streams Restoration Grant

The first source makes use of federal grant programs and is capable of raising local funds from bond issues. The next three federal programs provide limited financial assistance for flood control work such that it would not be worthwhile for the District to apply directly for funds. However, the District should work with cities and the county in their capital improvement programs and community redevelopment programs to identify projects which would meet federal program criteria and into which flood control work might be incorporated; the city or county then would apply for the funds.

The fifth source is a new State program which currently has very limited funds but may be expanded.

Community Redevelopment

Description

Redevelopment means "the planning, development, clearance, reconstruction or rehabilitation of all or part of a survey area, and the provision of such residential, commercial, industrial, public, or other structures or spaces as may be appropriate or necessary in the interest of general welfare".

This definition is obtained from the California Health and Safety Code, Division 24, Part 1-1.7, which contains Community Redevelopment Law. The law authorizes community development commissions, redevelopment agencies, renewal agencies and housing authorities.

Redevelopment areas are established to remedy "blighted areas" which constitute "physical, social, or economic liabilities, requiring redevelopment in the interest of the health, safety, and general welfare of the people of such communities and of the state." "Blighted areas" are defined in Section 33031 and 33032 of Community Redevelopment Law. "Blighted areas" are characterized by properties which suffer from economic dislocation, deterioration, or disuse because of (among other things):

"The existence of inadequate public improvements, public facilities, open spaces, and utilities which cannot be remedied by private or governmental action without redevelopment"; and

"The existence of lots or other areas which are subject to being submerged by water."

When a flood problem exists within a designated redevelopment area and that problem is identified as one of the problems contributing to the blighted condition, tax funds raised within the redevelopment area can be used for flood control purposes. The funds must be used solely for work necessary to protect the redevelopment but not solely for flood control works within the redevelopment area. For example, funds could be used for an upstream reservoir if such a facility would help solve the flood problem in the area.

Typical redevelopment area plan objectives are:

1. Strengthen and expand the community's tax base through an effective program for economic development and improved employment opportunities; and

2. Provide for the installation of capital improvements, public and private, necessary to support such a program; and

3. Direct such capital improvements so that they act as catalysts to attract private investment in underdeveloped areas of the community; and

4. Remove structurally substandard buildings, eliminate blighting influences, remove impediments to land development, and achieve changes in land use; and

5. Encourage the development of labor-intensive industries for the purpose of providing expanded employment opportunities; and

6. Provide for development of industrial activities with appropriate standards of design and landscaping with proper safeguards for protection of environmental resources.

7. In those cases where relocation will take place, evaluate the possibility of developing low-cost housing within the project area.

Every city and county can establish redevelopment areas by enactment of an ordinance. Cities in Santa Clara County that had redevelopment agencies as of 1985 are: Campbell, Milpitas, San Jose, Santa Clara, and Sunnyvale. A city can establish more than one redevelopment project area; San Jose has 11. Existing redevelopment project areas are listed in "Implementation", and maps are included at the end of this section.

There are a number of ways in which redevelopment agencies can get money to carry out projects, including:

- tax increment revenues
- state and federal grants (e.g. HUD's Housing and Community Development grants; the agency applies for these through the city or urban county program)
- community appropriations and general obligation bonds

- redevelopment agency bonds
- redevelopment construction loans (SB 99 funds)
- long term mortgage loans
- special assessments on properties specifically benefitted by redevelopment activities when there are insufficient tax revenues to pay incurred indebtedness.

In a redevelopment area established as the result of a disaster (flood, fire, hurricane, earthquake, storm, tidal wave, etc., certified by State Governor and declared by the President) there are 25-year loans available from the State Allocation Board to provide the local portion of federal capital grants. These can be paid off by tax increment revenue or other redevelopment agency funds, or if these are insufficient, from motor vehicle license fee revenues or funds entitled to the community by the Alcoholic Beverage Control Law.

There is an IRS requirement that redevelopment agency bonds be spent within three years of the date of receipt to comply with IRS "Arbitrage" regulations granting tax free status to the bonds. If redevelopment agency bond money is earmarked for a District project, it should be obligated as soon as possible or the agency may feel it should use the money for other redevelopment projects within the three-year tax free period. This happened with the City of Milpitas' Redevelopment Agency; half of the funds earmarked for channel improvements on Coyote Creek from a 1979 $1,200,000 Redevelopment Bond was spent on expansion of City Hall because the city felt the money was not being used quickly enough.

Redevelopment agencies are established by the city council or the county board of supervisors when an ordinance is adopted declaring the need for an agency. The mayor or chairman of the board of supervisors, with approval of the council or board, appoints five persons, resident electors of the community, as members of the redevelopment agency; or, the city council or board of supervisors may declare itself to be the agency. If the city council or board of supervisors declares itself to be the agency, they may by ordinance create a community redevelopment commission whose functions are to prepare a redevelopment plan for each project area, hold and conduct hearings and adopt and submit a plan to the city council or board of supervisors for approval. The community redevelopment commission contains seven members who have no conflicting interest in property in the project areas.

The redevelopment agency and planning commission cooperate in the selection of project areas and in the preparation of redevelopment plans. There are reporting requirements to the State Board of Equalization, and a required public hearing on the redevelopment plan.

The redevelopment agency collects any incremental tax revenues which result from increased assessed value in the redevelopment area. As far as non-redevelopment taxinig entities are concerned, the assessed value remains "fixed" at that value which was recorded in the year the redevelopment area was established. For example, the District "loses" tax revenues in its zone accounts which would ordinarily be gained from the increased in assessed property value. The argument is that these increases in property value are made possible partially through the redevelopment agency's projects. The District continues to "lose" this revenue as long as the redevelopment area exists (usually 30-40 years).

Bond repayment revenues are not affected by the establishment of a redevelopment area. Basically, the same dollar amount is collected from the properties in the bond area as would be collected without the redevelopment agency, according to the original schedule of repayment. The only effect is that since the assessed value is not rising the bond rate is nominally higher than it would be without the redevelopment area. That is, because the assessed value is fixed at the base year assessed value, the bond repayment amount is a higher percentage of the assessed value than if the assessed value had been allowed to increase.

A preliminary redevelopment plan includes designation of the project area, improvements proposed and their estimated costs, a tentative schedule of implementation, financial feasibility study and environmental impact report. As an example, San Jose's Julian-Stockton Redevelopment Project Plan is shown in Appendix E. This preliminary work is all out-of-pocket expense to the city or county. Once a plan is approved by the city council or board of supervisors and funding obtained, the redevelopment work is done through a cooperative agreement with the city or county. The city or county takes care of bids and specifications, constructs the project and bills the redevelopment agency. In the project budget a small fee for agency administration is included. Capital projects done by the redevelopment agency are usually listed in the city's or county's capital improvement program.

If flood control work is to be included in an existing project area plan, then there must be an amendment to the plan by the city council or county board of supervisors. Financing for the amended project plan would have to be specified (additional federal grant money, bond issue, community appropriation or other source).

Outlook for Use by District

Flood control work could be included in future redevelopment project area plans and bond issues. It seems there is political pressure to do more obvious redevelopment work such as housing rehabilitation, street lights and sewers. The District would have to convince the agency and the public that flood control is not only important to health and safety but "a direct inducement to economic growth." For example, the District can show that reducing the floodplain would eliminate the requirement to purchase flood insurance and eliminate the necessity of conforming to floodplain building regulations such as higher building pads or floodproofing. Public improvements have to bring industry, businesses and residents into the project area to supply the tax increment to pay off bonds.

In existing redevelopment areas the District should identify projects or portions of projects which might be financed by redevelopment agency funds. The District should approach the agency with specific proposals, not a vague appeal that flood control work be included in the project area plan. Initially agencies would probably be most receptive to projects which do not cost more than $1 - 2 million. Once a precedent of cooperation with the District is established, more substantial projects and bond issues might be arranged. The District should try to identify projects which would be compatible with other redevelopment objectives; for example, the agency could finance reconstruction of bridges when existing bridges are inadequate for traffic as well as flood control. If bridges are inadequate only for flood control, some cost sharing agreement might be established between the agency and the District. As another example, the agency may be interested in land acquisition for establishment of urban park areas, and willing to contribute some of this land to the District for widening of a channel.

Implementation

The District should approach the redevelopment agency with specific proposals which:

1. can realistically be financed by the agency;

2. are compatible with other redevelopment purposes (improved traffic flow, provision of recreational facilities and open space, etc.)

The District should be prepared to show how the proposed flood control work will promote the objectives of redevelopment and encourage an increased tax base. For example, the District can show how reducing the floodplain will encourage development by reducing the flood threat, removing costly FIA construction requirements and eliminating the need for flood insurance.

The District should present project proposals when the planning commission and redevelopment agency are formulating original project plans and bond issues, or as an amendment to the existing project plan which can be financed by subsequent bond issues, federal grants or other redevelopment agency funds.

Redevelopment Project Areas and Directors

1. City of San Jose
    - Rincon de los Esteros
    - San Antonio Plaza
    - Olinder
    - Julian-Stockton
    - Edenvale
    - Park Center Plaza
    - Guadalupe-Auzerais
    - Pueblo Uno
    - Market Gateway
    - Century Center
    - Mayfair One

    Agency Director: Frank Taylor, Executive Director,
    Redevelopment Agency, City of San Jose
    (408) 277-4000

2. City of Santa Clara
    - North Bayshore

    Agency Director: Don R. Von Raesfeld
    (408) 984-3101

3. City of Sunnyvale
    - Central Core

    Agency Director: Lee S. Ayres
    (408) 738-5401

4. City of Milpitas
    - Project Area #1, Amended

    Agency Director: John L. Maltbie
    (408) 262-2310

5. City of Campbell
    - No active areas.

    Agency Director is current mayor. (408) 378-8141

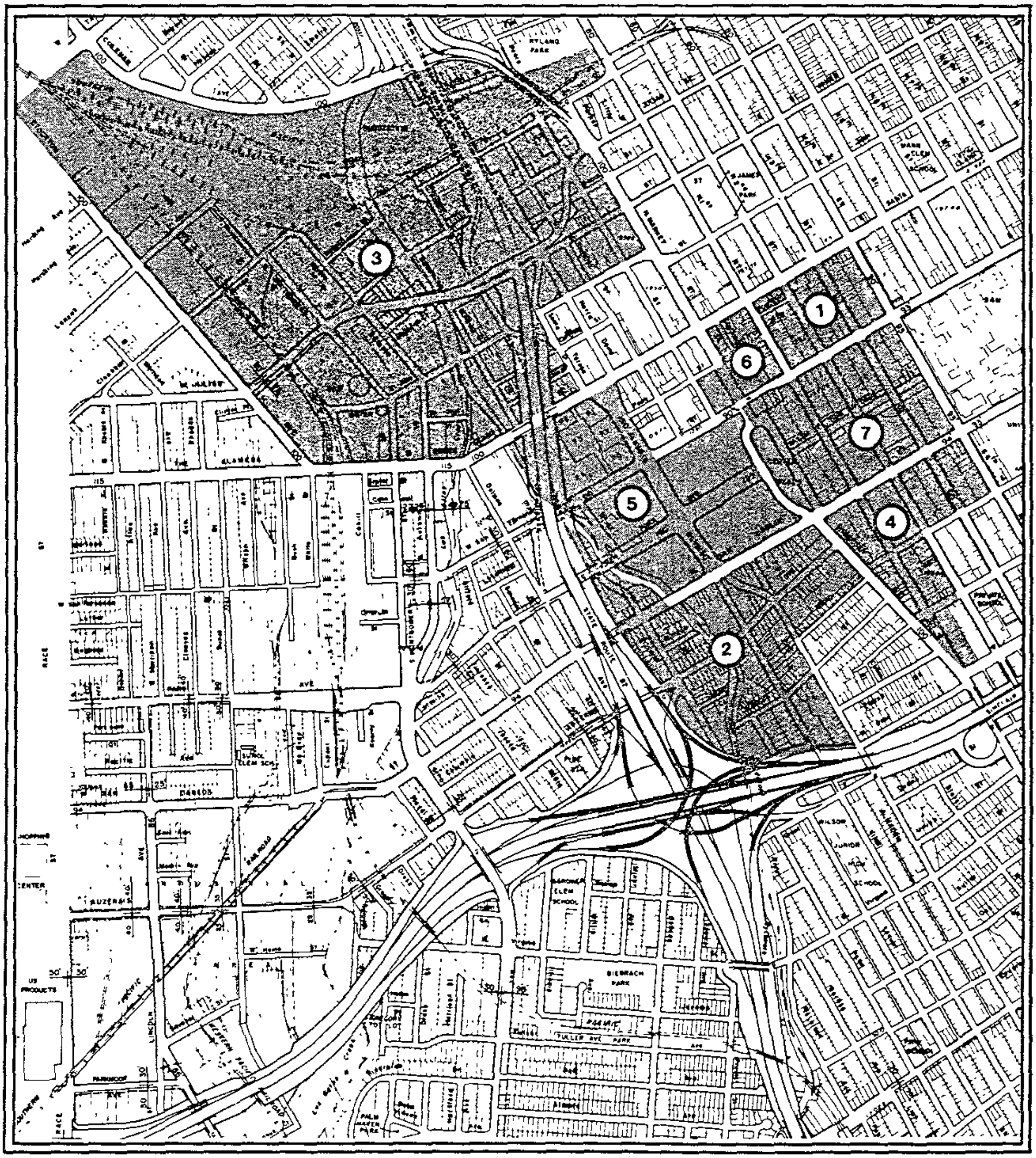
Contacts

Mary Anne Riehl - Campos
State Department of Housing and Community Development
(916) 323-3181

Bob Leniger
City of San Jose
Housing Conservation Department
277-4744

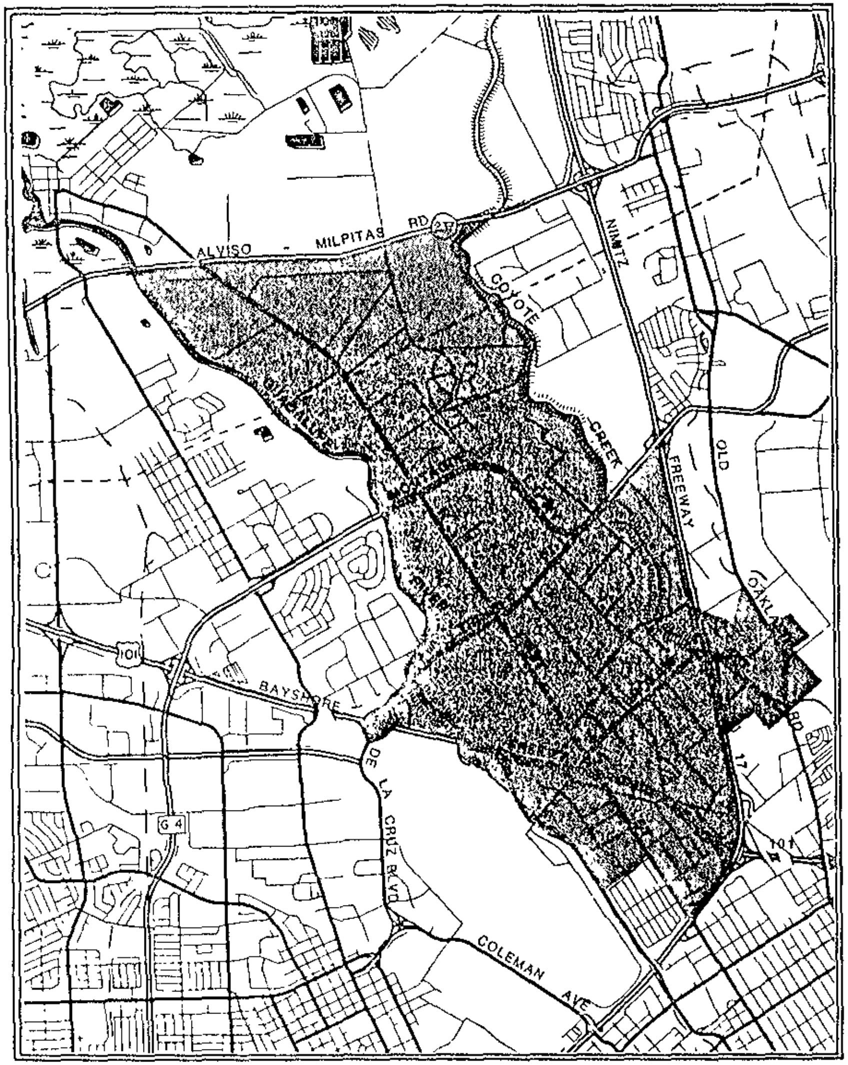
Downtown Redevelopment Project Areas

① Century Center
② Guadalupe - Auzerais
③ Julian - Stockton
④ Market Gateway
⑤ Park Center Plaza
⑥ Pueblo Uno
⑦ San Antonio Plaza



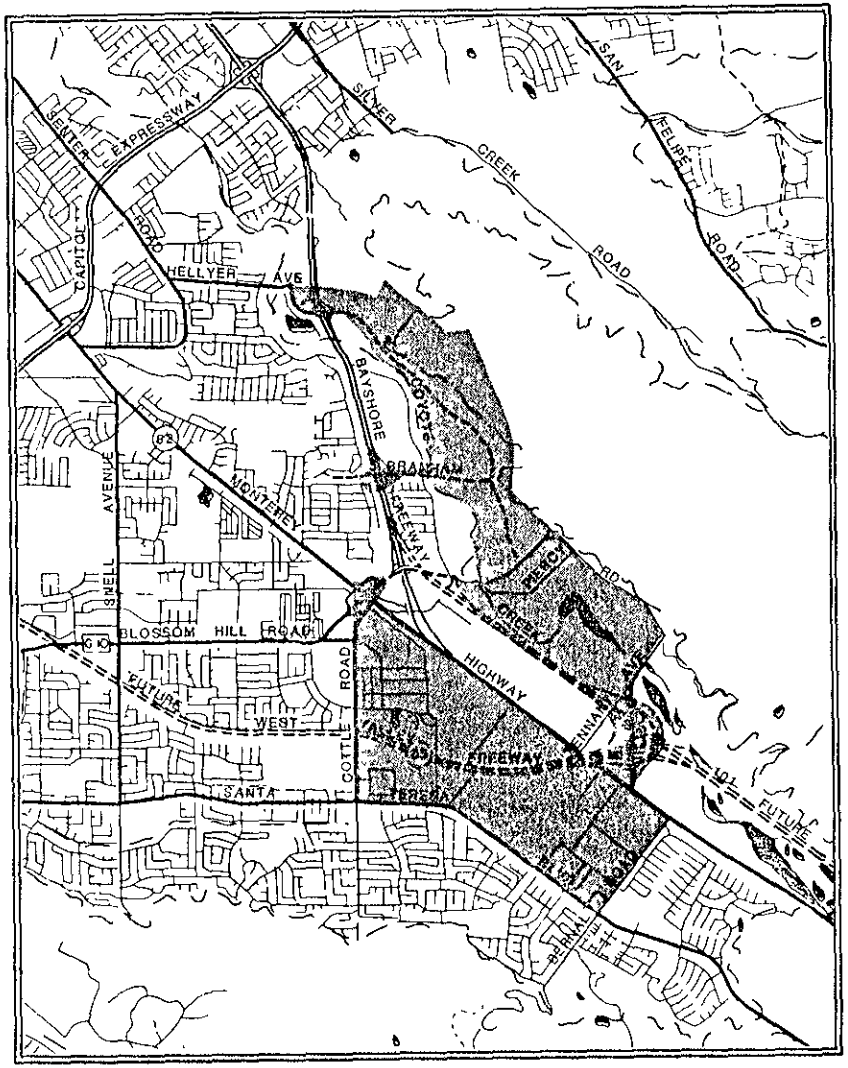
The seven redevelopment project areas in downtown San Jose have a wide range of land uses including private and government offices, retail, distribution and manufacturing. A major mixed use development, including a luxury hotel, is planned for the San Antonio Plaza Project ⑦. The proposed Convention Center will be located in the Guadalupe-Auzerais Project ②. The Park Center Plaza Project ⑤ is not one of the merged project areas. The Olinder Project is located east of the downtown area shown above.

RINCON DE LOS ESTEROS
Redevelopment Area

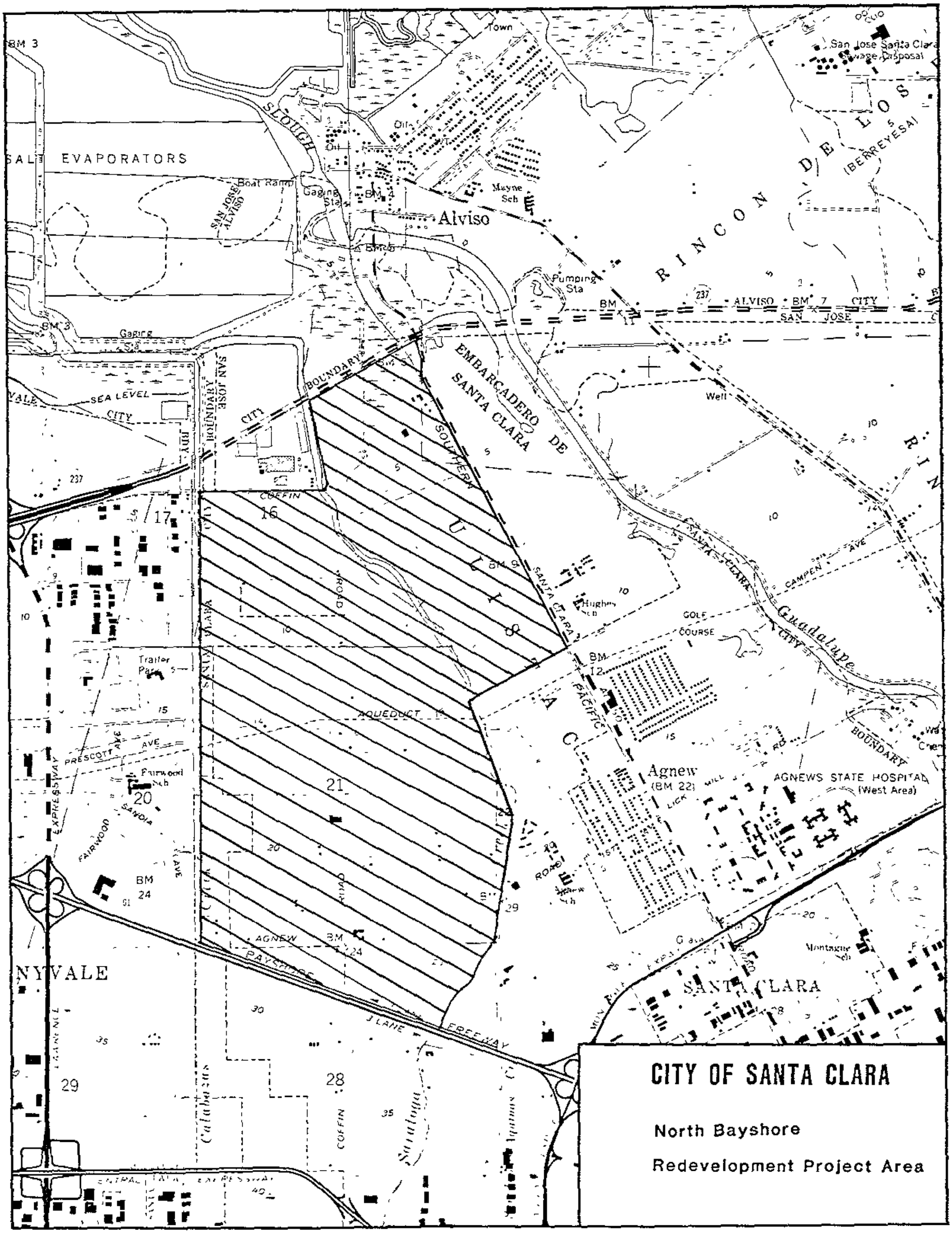


The Rincon de los Esteros Redevelopment Project Area, which contains approximately 4,655 acres, is located at the heart of "Silicon Valley" in northern San Jose. San Jose Municipal Airport is located immediately west of the Rincon Project and south of the Bayshore Freeway (U.S. 101).

EDENVALE
Redevelopment Area



The Edenvale Redevelopment Project Area contains over 2,000 acres of land in southern San Jose. Approximately half of the land within the Edenvale Project Area remains available for redevelopment. The 350 acre IBM site is located at the northern end of Edenvale's western sector.



CITY OF SANTA CLARA

North Bayshore

Redevelopment Project Area

Community Development Block Grant

Department of Housing and Urban Development

Description

This program, established in Title I of the Housing and Community Development Act of 1974 and administered by the Department of Housing and Urban Development, provides grants to cities and urban counties for projects which benefit primarily low and moderate income people. Eligible activities include: acquisition, clearance and disposition of real property for community development purposes; provision of public facilities, senior centers, parks, playgrounds, recreational facilities, centers for the handicapped, neighborhood facilities, solid waste disposal facilities, fire protection facilities and equipment, parking, public utilities, street improvements, water and sewer facilities, pedestrian malls and walkways, flood and drainage facilities, code enforcement and provision of public services.

The grant program is divided into two parts: an Urban County program and an Entitlement City program. Both of these are described in detail below. There is also a Small Cities program for cities with populations of less than 50,000, which is not used in Santa Clara County.

Urban County Program:

The Urban County program includes the County of Santa Clara and participating non-entitlement cities (Campbell, Cupertino, Gilroy, Los Gatos, Milpitas, Morgan Hill and Saratoga). Mountain View, Palo Alto, San Jose and Santa Clara, which are entitlement cities, participate in the Urban County program when there are projects in the unincorporated parts of the county within the city's "sphere of influence".

The county is divided into jurisdictions in which community development funds, proposals and projects are administered by local coordinators. A list of local coordinators is shown under "Contacts".

In November 1984, the Santa Clara County Board of Supervisors approved a schedule for preparation and submission of the County application for eleventh program year (1985-86) Community Development Block Grant (CDBG) funds. Santa Clara County has received funds under this program from the Federal Office of Housing and Urban Development (HUD) since 1975. It is expected that during the eleventh program year the Urban County (County and seven other participating jurisdictions) will receive a total of approximately $3 million. Of this amount, approximately $1.2 million will be made available on a competitive basis for public and private agencies for projects aimed at providing affordable housing. An additional $1.2 million will be distributed equally among the County and participating jurisdictions. These funds will be distributed for eligible activities at the discretion of the respective councils. Flood control projects might be included under neighborhood revitalization, economic development or possibly under housing. Some storm drainage work has been done with Urban County Community Development money in the past (in Gilroy and Morgan Hill), but no flood control work has been funded since the program's beginning in 1974.

Proposals go through a "three-tiered five-step" evaluation process, which is described under "Implementation" and in Appendix F, Santa Clara County's Housing and Community Development Plan. Competition is most keen for funds in Category 2.

Entitlement City Program:

The cities of Mountain View, Palo Alto, San Jose, Santa Clara and Sunnyvale receive housing and community development money as entitlement cities. Entitlement city programs are not organized with the same categories and priorities as the Urban County program. For example, San Jose's Housing and Community Development steering committee develops a list of objectives and evaluates each project individually. (See Appendix G for City of San Jose's CDBG project proposal form packet.) There usually is some guide for distribution of funds; for example, San Jose uses approximately 25 percent of the CDBG money received each year for private residence rehabilitation.

Other projects include street reconstruction work, construction of community centers, housing service centers, and parks, and subsidized home loans. Previously, San Jose used about 50 percent of their CDBG money for redevelopment in the downtown area but there has been a redistribution such that about 25 percent is now used for this purpose.

Entitlement city grants in FY 84-85 were approximately as follows:

Mountain View	$ 661,000
Palo Alto	800,000
San Jose	7,600,000
Santa Clara	865,000
Sunnyvale	986,000

Outlook for Use by District

A major restriction to using community development block grant money for flood control work is that provision of flood and drainage facilities qualifies as an eligible activity "in cases where assistance for such facilities has been determined to be unavailable under other Federal laws or programs." It would be up to the District to show that other Federal sources were not available. The program may be useful for floodplain acquisition; President Carter issued a memorandum on July 12, 1978, specifically directing HUD to make land acquisition for floodplain management purposes an eligible purpose of the program.

A second restriction is the limited funding available in the community development grant program. In the Urban County program, it does not seem reasonable to expect an award of more than $250,000 - $500,000 for flood control work. Given the involved application process (see "Implementation"), the resulting financial assistance does not appear worth the effort. Even if the Urban County priorities are reevaluated in future, the likelihood of gaining significant assistance from the Urban County program is small. The same limited financial assistance is expected of all entitlement cities, except possibly San Jose.

The District should work with cities, the county, and redevelopment agencies as outlined under "Capital Improvement Programs" and "Community Redevelopment". If a particular flood control project proposal is a very good candidate for HUD assistance (i.e., has an impact on housing availability and neighborhood revitalization, benefits persons of low and moderate income, and other federal assistance is not available), community development block grants might be used for partial financing. The level of commitment of other assistance (from the District, city, state, redevelopment agency, etc.) is one factor in determining whether or not a grant proposal will survive the evaluation process.

The main effect of the program is not that it can be much help to the District directly, but that the availability of CDBG money might free other city, county or redevelopment agency funds for flood control work; and in certain instances CDBG money might be used for partial financing of flood control work directly.

Implementation

Urban County Program:

Project proposals are prepared according to the following process:

1. All cities participating in the Urban County program hold public hearings and public meetings in accordance with the citizen participation plan to develop project proposals for CDBG funding.

2. Project proposals to be submitted by a city will be reviewed by the city council at public meetings, according to the Citizen Participation Plan, and must be formally approved by the city council for submission to the County.

3. Any and all project proposals for eligible HCD activities totally within the sphere of influence of a city must be submitted to the city and considered as a part of the city's project proposal development process. No project proposals may be submitted directly to the County by applicants other than cities for activities to be conducted totally within the sphere of influence of a city. Each city will hold a number of public

meetings and public hearings to review project proposals within the city's sphere of influence. The City Council will decide which project proposals will be aproved for submisstion to the County. The city will send all project proposals, including those not recommended by the city, to the County.

4. The Urban County staff will provide technical assistance to aid applicants in preparing their project proposals. Information will be available as to submission dates, eligibility CDBG activities, the Urban County HCD Plan and HUD regulations.

5. Projects which do not meet the basic program requirements will be advised by the Urban County staff during the project proposal development phase in order to clarify any misunderstanding and allow the applicant time to make needed corrections.

After the County Board of Supervisors approves the final community development grant proposal package, it is sent to HUD for approval and funding.

Entitlement City Program:

Proposals submitted are evaluated according to criteria established by a steering committee. Public hearings are held and city administration recommendations taken into account in developing a preliminary plan for the program year. The City Council then approves the final plan, which is submitted to HUD for funding. Appendix G contains San Jose's project proposal packet form as an example.

COUNTY HOUSING AND COMMUNITY DEVELOPMENT STAFF

Isao Kobashi, Program Manager		299-2566
On-Entitlement Cities		
Campbell	Marcia Kaplan, HCD Grant Coordinator	866-2124
Cupertino	Sonia Binnendyk, HCD Grant Coordinator Bob Caro, Community Worker	252-4505
Gilroy	Steve Ford, HCD Grant Coordinator	842-2137
Los Gatos	Jill Cody, Director of Community Programs Regina Falkner, Community Worker	354-6820
Milpitas	Starla Jerome-Robinson, HCD Coordinator	942-2322
Morgan Hill	Maria Gonzalez, HCD Coordinator Yolanda Zapien, Community Worker	779-7260 or 779-7270
Saratoga	Stan Carnekie, Administrative Assist.	867-3438
Entitlement Cities		
Mountain View	Dan Roos, Community Development Coord.	966-6306
Palo Alto	Glen Miller, Community Development Coord.	329-2170
San Jose	Margaret Cohen, Property & Code Enforce.	277-4971
Santa Clara	Marty Binter, Community Development	984-3114
Sunnyvale	Ann Draper, Housing Officer Susan Griffin, contact person	738-5465

Grants and Loans for Public Works and Development Facilities

Economic Development Administration

Description

This program provides grants for public facilities such as water and sewer systems, access roads to industrial parks, port facilities, railroad sidings and spurs, public tourism facilities and site improvements for industrial parks. The objective of the program is to assist in the construction of public facilities needed to initiate and encourage long-term economic growth in designated geographic areas where economic growth is lagging behind the rest of the nation. Examples of funded projects include revitalization of central business districts and establishment of infrastructure needed for industrial park development.

In 1967 the Cities of Sunnyvale and Mountain View received public works grants from EDA for sanitary sewers, water mains and storm drains. Currently the requirement exists that an Overall Economic Development Plan (OEDP) be formulated for counties which apply for public works grants. No OEDP exists for Santa Clara County; however, the City of San Jose has an OEDP and is eligible for EDA grants.

In 1976 and 1977 local public works project proposals were specially solicited in an effort to increase job opportunities for unemployed construction workers. (No OEDP required.) The proposals had to be complete within a certain limited amount of time. In 1976 two projects (water mains and sewers) were awarded to the City of Mountain View totalling about $878,000, and one to the City of Gilroy for downtown mall costing about $113,000. In 1977 about 50 projects were awarded in Santa Clara County for general public works, including $500,000 to the City of San Jose for bridges.

The future of EDA's public works grant program is a little uncertain. It seems that in future the program will be funded at a reduced rate. Also, there is a tendency toward making more loans and fewer grants.

4

Constraints

1. Projects must fulfill a pressing need of the area and: a) tend to improve opportunities for successful establishment of industrial and commercial plants or facilities; b) promote the creation of additional long-term employment opportunities; or c) benefit the long-term unemployed and low-income families.

2. Basic grants may be up to 50 percent of project cost (80 percent in certain cases). No specific minimum or maximum project amount exists; range has been $5,000 to $7,138,000 with an average grant of $580,000. Roughly 200 projects per year are approved nationally. Approximately $130 million is available for this program in 1985.

3. Project proposals must be in conformance with an Overall Economic Development Program (OEDP) for an eligible area.

4. Grant funds are disbursed for costs incurred only after all contracts for construction have been awarded.

Outlook for Use by District

The program's usefulness is limited because funds can only be used for projects which relate to the generation of employment opportunities or the establishment or improvement of industrial and commercial areas. The District would have to show how flood control projects have a positive impact on the economic development process in the community.

Currently the City of San Jose is the only area in Santa Clara County eligible for EDA grants. The District should work with San Jose's Redevelopment Agency and with the City as outlined under "Capital Improvement Programs" to identify projects, or portions of projects, which might be eligible for EDA grant funding (for example, bridges).

Also, the District should have some suitable smaller (approximately $300,000 to $500,000) projects identified and ready to submit directly to EDA for funding if there should be another request for local public works proposals in the future.

Implementation

The District would identify potential projects and work with the city in applying for funds.

The Economic Development Administration Representative will meet with the applicant and community leaders to establish the basis for a preapplication conference. After reviewing project and local development profile information with the regional office, EDA will notify the applicant immediately if EDA cannot accept the project. If project appears viable, a preapplication conference at the Regional Director's discretion may be arranged with regional office personnel. Applications are subject to State and areawide clearinghouses (ABAG) review.

The standard application forms as furnished by the Federal agency and required by OMB Circular No. A-102 must be used for this program. An environmental statement as well as an assessment is necessary for this program. The Economic Development Representative will provide the necessary forms and assist in filling them out. Applications are normally approved or disapproved within 90 days of acceptance.

Grant and loan applications from eligible applicants are approved by the Assistant Secretary for Economic Development, Department of Commerce or the Regional Director of the appropriate region. Contract award should be made on the lowest base bid submitted by a responsible bidder,with a responsible bidder defined as one who can furnish 100 percent performance and payment bonds and who meets the applicable State and local statutory requirements.

Contact:

Dave Witcshi
EDA Regional Office
Seattle, Washington
(206) 442-0582

Hugh Taylor
Economic Development Representative
Oakland, California
(415) 273-7081

Economic Development Grants Supplemental Funding of Titles I, II, III, IV and IX Activities

(Section 304 Grants)

Economic Development Administration

Description

This program provides grants or loans for construction of public works such as water and sewer systems, industrial parks, access roads, port facilities, railroad sidings and spurs, etc. The purpose of the program is to provide funds which enable governors to select projects needed to initiate or enhance long-term economic growth in areas of their states where economic growth is lagging.

Funds are apportioned to states based on a statuatory formula from a nationwide total of approximately $20,000,000 per year. For FY 1980 California received $1,421,789. Funds may be retained from one year to the next so current reserves may be more. This program was not funded in FY 1985 and probably will not be funded in FY 1986. California has no reserves.

The program is subject to the same EDA requirements as regular Public Works grants. Some differences that exist are:

1. Timing: Section 304 grants are awarded when it is shown that there are no more basic Title I funds for that fiscal year. Therefore, it is more likely that one will receive Section 304 assistance later in the year. If there is time to prepare a complete application before proposals are submitted by the Economic Development Representative (August and September), then it would be more appropriate to submit public works proposals in the regular funding cycle.

2. Regular public works projects are placed on a priority list by the Economic Development Representative. Section 304 projects are not subject to this priority list. Therefore, a basic Title I grant proposal is likely to take more time for approval and funding as it works its way up the priority list.

3. There are greater funds available from the regular public works grant program than from the Section 304 grant program.

4. Matching requirements: The Section 304 grants specify a minimum of 25 percent state funds matching requirement. Regular public works grants specify that not more than 50 percent (in some cases 80 percent) of the project costs are to be borne by EDA.

Constraints

1. Projects must fulfill a pressing need of the area and: a) tend to improve opportunities for successful establishment of industrial and commercial plants or facilities; or b) promote the creation of additional long-term employment opportunities; or c) benefit the long-term unemployed and low-income families.

2. The state must make a contribution equal to at least 25 percent of the 304 funds.

3. Projects must be consistent with the currently approved Overall Economic Development Program for the area.

4. Grant funds are disbursed for costs incurred only after all contracts for construction have been awarded.

Outlook for Use by District

Program's usefulness is limited because funds can only be used for projects which relate to the generation of employment opportunities, or the establishment or improvement of industrial and commercial areas. The District would have to show how flood control projects have a positive impact on the economic development process in the community.

As with regular public works grants, Section 304 grants are made for projects in eligible areas with an approved OEDP; the City of San Jose is the only eligible area in Santa Clara County.

The amount of money available from the Section 304 grant program in any one year is limited. A proposal for a project in the cost range of $100,000 to $300,000 would probably be feasible.

Implementation

The District would identify potential projects and work with the city in applying for funds. The Section 304 Grants generally follow the same application procedure as the regularly funded EDA public works grants. Section 304 Grants may be awarded more quickly since they are not subject to the prioritization process, however, the amount of financial assistance available is very limited.

Urban Streams Restoration Grant

Description

In 1985, Department of Water Reosurces was authorized (AB 3789) to issue grants of up to $20,000 for the protection, restoration and enhancement of urban creek channels. The intent of the program is to combine low cost flood protection measures with preservation and enhancement of the natural environment.

Entities eligible for funding are local public agencies and governments. Citizen groups which submit proposals for financial assistance endorsed by a local agency or government will be eligible.

Components of flood control and ________ creek restoration projects eligible for financial assistance include:

Disadvantages

1. Grant limit of $20,000 per project limits the usefulness of this program.
2. Applications are reviewed annually so the program would be of limited use for urgent work.

Outlook for Use by District

The small maximum grant amount combined with the small budget for this program ($100,000 FY 85-86) limit its potential usefulness. DWR hopes to increase both grant limit and program budget in FY 86-87.

Implementation

Applications can be obtained from:

Ms. A. L. Riles
Program Manager
Stream Restoration Program
Post Office Box 388
Sacramento, CA 95802
(916) 323-9544

Priority is given to the most cost effective flood damage reduction projects in urban areas which restore or enhance the environment. Applications are reviewed once each year.

V. PARKS AND RECREATION

This section contains programs which provide funds for acquisition and development of parks and outdoor recreation areas:

- Land and Water Conservation Fund Program
- Urban Park and Recreation Recovery Program
- Disposal of Federal Surplus Real Property

The last two programs have limited usefulness, but the Land and Water Conservation Fund has recently provided significant financial assistance for the development of Lake Cunningham Park and should be considered whenever a park or recreation area is an element of a flood control project.

Land and Water Conservation Funds Program

State Department of Parks and Recreation/National Park Service

Description

The purpose of this program, administered by the State Department of Parks and Recreation and the National Park Service, is to provide financial assistance to the states and local governments for planning, acquisition and development of outdoor recreation areas and facilities for the general public.

Acquisition and development grants may be used for a wide range of outdoor recreation projects, such as picnic areas, inner city parks, campgrounds, tennis courts, boat launching ramps, bike trails, outdoor swimming pools, and support facilities such as roads, water supply, etc. Facilities must be open to the general public and not limited to special groups. Priority consideration generally is given to projects serving urban populations. The objectives of this program favor land acquisition for floodplain management purposes.

An example of use of this fund in Santa Clara County is the $813,600 grant for park land acquisition which the City of San Jose received to create Lake Cunningham Park in 1978.

Congress has appropriated about $75 million nationally in FY 1985, of which California has received approximately $5.7 million. The cost of preparing California's Outdoor Recreation Resources Plan (CORRP), and the State Liaison Officers' contingency fund are deducted from the annual apportionment, and the balance is divided as follows: 60 percent to local agencies and 40 percent to State agencies.

Ten planning districts have been established in California, and the local agencies' share is allocated among them according to population.

Santa Clara County is in Planning District No. 4, which includes the Bay Area counties of Sonoma, Napa, Solano, Marin, Contra Costa, Alameda, Santa Clara, San Mateo and San Francisco. Based on an estimated $5.7 million allocation to local agencies, Planning District No. 4 would receive about $1 to $2 million in FY 1985. Each planning district's allotment is further restricted in use to 50 percent for regional projects and 50 percent for less-than-regional projects.

The State Department of Parks and Recreation has authority to set priorities for project evaluation and screen applications. NPS checks forwarded applications for technical accuracy and funds the projects.

Submitting a technically complete (vs. substantially complete) application by the deadline (usually July 1) will increase the likelihood of an application's approval. Projects are ranked according to the following criteria:

1. Multiple recreational activities projects favored.

2. Basic facilities projects favored over elaborate facilities.

3. Provision of new facilities and recreational opportunities favored over replacement and rehabilitation.

4. Projects which can, in the opinion of the State Liaison Officer and staff, be completed expeditiously (approximately one to one and one-half years) are given higher priority. Performance on previous grant projects (both State and Federal), applicant's ability to operate and maintain existing parks, involvement of other jurisdictions and agencies, public involvement, implementation measures already taken at time of application, and complexity and magnitude of the project are examined in determining applicant's ability to complete a project.

5. Applications from public agencies who have as a primary function provision of parks and recreational services favored over applications from other public agencies.

6. Acquisition grants having preliminary title reports by the annual application deadline will be given a higher priority.

7. Projects that will serve greatest need given higher priority, based on population density, proximity of population, existing recreational opportunities, access, and income characteristics of beneficiaries.

8. Additionally, preference is usually given to projects:

  a. Which have a reasonable cost-benefit ratio, i.e. cost of project relative to recreational opportunity provided.
  b. Where there is an urgency for acquisition and where delay will cause a loss of recreation opportunities in the future.
  c. Which relate directly to state and planning district priority for Land and Water Conservation Funds in CORRP.
  d. Where the applicant has not been previously funded. Also, where the per capita share of Land and Water Conservation Funds in the county where the project is located is less than the state's per capita average.
  e. Where the dollar amount requested is reasonable in relation to the total dollars available to the planning district.
  f. Where a greater geographical spreading of funds will be achieved within a planning district.
  g. Where the applicant has an adopted master plan of park and recreation areas that includes the project for which funds are being sought.
  h. Which have innovative and/or unique, natural, or science features.
  i. Which make provisions for handicapped and underpriviledged, above and beyond those required by law.
  j. Which have the ability to attract visitation from beyond the applicant's normal service area.

Potential Problems and Constraints

1. Funding constraint: Given the existing program budget, it is unlikely that more than $500,000 to $1,000,000 could be obtained for acquisition of floodplain land in any one year in Santa Clara County. Applications should be timed about two or three years apart so that the County per capita share in the fund has a chance to equalize with other counties in the planning district after each successful grant award. There will also be

other demands on the fund in Santa Clara County for park development projects and acquisition of non-floodplain land.

2. The District is not a public agency whose normal function is provision of parks and recreation. Applications for grants under this program would be better received if they were from a city or county who could provide operation and maintenance services; thus, the District would be in a cooperative situation with a city or the county.

3. Not more than 50 percent of the project cost may be federally financed.

4. This is a reimbursement program; the applicant is expected to finance the entire project and be refunded 50 percent of actual expenditures up to the support ceiling of the grant when the project is complete.

5. The costs of operation and maintenance are local responsibilities.

Outlook for Use by District

This program has some potential for use by the District, but is limited by the constraints mentioned in the previous section. It should be kept in mind as an instrument to acquire floodplain land for open space uses such as recreation, wildlife and parks, and to acquire land for channel widening and improvements where recreational elements can be incorporated into the project, e.g. bike trails along a levee as in the County's Trails and Pathways Master Plan, or establishment of a park along a creek, as in the Coyote Creek Park Chain.

Implementation

The District should approach the city or county and have them file an application for Land and Water Conservation Funds, once appropriate projects are identified which would be good candidates for these grants. The prioritizing criteria listed previously should be examined in making the determination of whether or not to pursue this source of funding.

Procedure and typical timetable are as follows:

TIMETABLE
LAND AND WATER CONSERVATION FUND PROGRAM

DATE	ACTION
Mid-March	Department distributes revised Application Procedural Guide
By April 15	Applicants prepare and submit materials to State Clearinghouse and appropriate Areawide Clearinghouses
By June 15	State and Areawide Clearinghouses return comments and clearance to applicant. This can happen only if the applicant submits appropriate material to clearinghouses before April 15.
By July 1	Applicant finalizes and submits LWCF application to the Department of Parks and Recreation
Early July - Early September	Department conducts site inspections, evaluates and ranks competing eligible projects
Late September	Staff presents recommendations of projects to be funded to Director and Director's staff. Director selects projects.
Early October - Late November	Selected projects submitted to Regional Office of the Service for funding. Applicants notified of Department's action on projects.
October 1	Plans and specifications must be aproved by Department of Parks and Recreation by this date.

Details and sample application can be found in Application Procedural Guide (March 1980 edition is in the Library).

Contact:

Keith Steinhart, David Cox
State Liaison Officer, Planning District No. 4
(916) 332-9588

Pete Sly
National Park Service
(415) 556-8360

Urban Park and Recreation Recovery Program

National Park Service

Description

This program, administered by the Heritage Conservation and Recreation Service, provides grants to economically hardpressed communities for rehabilitation of recreational areas and facilities. Rehabilitation grants are for the purpose of rebuilding, remodeling, expanding or developing existing outdoor or indoor recreation areas and facilities. Funds may be used to improve parks, buildings and support facilities. Examples include rehabilitation of park sites, including landscaping and resurfacing of courts, replacement of equipment, etc.

The nationwide funding for these grants was approximately at $125,000,000 for FY 1980 and FY 1981; in FY 1979 $20,000,000 in grants were funded. Rehabilitation grants ranged from $12,500 to $2,100,000. This program was not funded for FY 1985.

Potential Problems and Constraints

1. Rehabilitation matching grants are 70 percent Federal, 30 percent local.
2. Funds may not be used for land acquisition.
3. Funds may not be used for maintenance or routine operation.
4. Restricted to communities meeting the eligibility requirements based on need, economic and physical distress, and the relative quality and condition of urban recreational facilities. Eligible standard metropolitan statistical areas (SMSA's) are listed in the October 9, 1979, Federal Register. Other cities and counties may submit applications for suitable projects (15% of annually available funds reserved for these non-SMSA communities).
5. Proposed construction schedules limited to three years.

Outlook for Use by District

This program has very limited usefulness. It is likely that part of downtown San Jose or areas in the East and South Zones would qualify but otherwise parts of Santa

Clara County would not meet the economic requirements. Even if the area qualified it would be difficult to incorporate flood control work into rehabilitation of urban parks; one possibility might be upgrading levees while relandscaping. Acquisition of land is not funded by the program. The District should work with cities or counties through their capital improvement programs or redevelopment agencies and in special cases this program might be useful for some flood control work.

Disposal of Federal Surplus Real Property

National Park Service

Description

The purpose of this program is to disburse surplus Federal real property for public park and recreation use and for historic monument use. Property may be conveyed for public park and recreation use at discounts up to 100%, and must be used for this purpose in perpetuity. Examples of recreation areas established are nature study areas, wildlife conservation areas, and regional parks. Since enactment of the law in October 1970, over 850 properties comprising over 100,200 acres and valued at nearly $375 million have been transferred to State and local governments. The suitability of real property for the proposed use and the ability of the applicant to carry out the proposed program of use are criteria for selecting proposals.

Outlook for Use by the District

This program has very limited usefulness because surplus federal property may not exist where the District is interested in acquiring right of way or where a recreation or wildlife area could be established in conjunction with a District project. In fact, it appears that the only federal property in Santa Clara County which might be considered excess is in the Mt. Umunum Range. The District has not used this program at all in the past. When the State or the Federal government wants to sell surplus land, public agencies are usually notified before the general public; presumably the District would be notified if the Federal government had surplus land it wanted to dispose of either by sale or donation if it was to be used for a public purpose.

VI. FUNDS FOR UNDEVELOPED AREAS

This section contains programs and financing plans which can be used to implement erosion and flood control projects in areas that are not significantly developed. These programs are:

Developer Constructed Facilities

Drainage Fees

Special Benefit Zones

Resource Conservation and Development Grants

Industrial Development Grants

The first three programs have been used in the past and are currently funding the construction of flood control facilities as development occurs. The last two federal programs may be useful for erosion and flood control projects in areas of the county which are primarily rural. However, each of these two programs has other requirements and constraints which minimize their usefulness. For example, both programs provide average financial assistance of $50,000 to $60,000. Furthermore, the Resource Conservation and Development Grants must be awarded to projects in regional resource conservation and development areas, and no area has been established which includes Santa Clara County.

The drainage fee program can be implemented by cities or counties as authorized by the Subdivision Map Act. The most recent drainage development fee program is the one implemented by the City of Saratoga to help pay for erosion and flood control work on Calabazas Creek.

A variation of the drainage fee concept is the type of special benefit zone established on Norwood Creek. An agreement was formed among the District, the City of San Jose and developers who wished to build along Norwood Creek. The developers were willing to front the money for construction of flood control facilities under an agreement that future developers who benefitted from the Norwood Creek Project would reimburse the developer that funded the project. This reimbursement was collected from later developers by the City of San Jose as drainage fees. The drainage fees collected by the city then became reimbursement of private financing for work done within the special benefit zone established by the District. This type of agreement is discussed under Special Benefit Zones.

Developer-Constructed Facilities

Description

The District can recommend to the city and the city can require under the Subdivision Map Act that a developer construct flood control improvements on a creek such as levees, floodwalls, channel enlargement and lining, detention ponds, etc. If the improvements provide benefit primarily to the developer's project then the cost of the improvements is clearly a realistic responsibility of the developer. If the improvements benefit a larger area then they can be financed jointly with the District, city or county, or solely financed by the developer and reimbursed as other property in the benefitted area develops (see "Special Benefit Zones"). In cases where downstream channel work must be done prior to or in conjunction with work needed to protect the area in which the developer has an interest, it is more likely that a larger joint project will be done, or a larger project reimbursed by a special benefit zone if sufficient potential for development exists in the benefitted watershed.

Constraints

1. If there will be downstream impacts, the developer may not be able to construct channel improvements, or they will have to be coordinated with work done by the District.

2. If developer constructed facilities will not totally solve the flooding problem on his site (for example, if there is a comingling floodplain) then the developer will be more likely to look for alternatives (pad up structures, or build somewhere else) unless conjunctive work is done to totally solve the problem.

3. The size of any one development may not be large enough to support construction of channel improvements, in which case some kind of drainage fee could be set up and assessed by the county, city or District (see "Drainage Fees"); or developers could follow the procedure described in "Special Benefit Zones".

4. There may be a timing problem if improvements are greatly desired to protect existing development. It may not be feasible to wait for a new developer to construct facilities.

Advantages

1. The District's role is limited to design coordination inspection and preparation of plans and specifications for facilities to be constructed.

2. Projects get built and flood damages are not intensified as development occurs. Developers take responsibility for the fact that they are building in the floodplain.

3. District funds are freed for projects where this method of financing projects is not feasible.

4. Other needs of new development might be incorporated into the flood control improvements. For example, open space and recreational areas might be included in channel improvements near new residential areas.

Outlook for Use by the District

This method of getting work done has been used in the past and will continue to be useful as long as there is land slated for future development adjacent to inadequate creeks or within the floodplain.

Developer constructed facilites are most feasible if:

1. the developer can realistically be expected to bear the cost of proposed improvements, or supplemental financing can be arranged with city, county, district, other developers or other sources.

2. no downstream impacts are expected (induced damges), or if downstream work can be done at the same time.

3. the proposed improvements will totally solve the flooding problem, i.e. the development is not in a comingling floodplain.

Implementation

1. The District would identify potential sites and make a recommendation to the City.

2. The District would identify an area and recommend to the City the adoption of a special development policy such as for Evergreen Valley.

Drainage Fees

Description

Drainage fees are imposed on developers to provide flood control and storm drainage facilities. Cities and counties are authorized to impose these fees by the Subdivision Map Act. Article 5, Section 66483, of the Subdivision Map Act specifies that fees may be imposed "for purposes of defraying the actual or estimated costs of construction planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas". An example of a city flood control fee is found in Appendix I, Resolution 941 of City of Saratoga, and Ordinance No. NS60.10 which amends their subdivision ordinance. Fees are usually collected at the time of, and as a condition of, the issuance of building permits.

The District previously attempted to impose drainage fees in 1959 when it was still part of the County. After two amendment efforts, the program was abandoned in 1967. (See Ordinances 59-2, 62-1, 66-1, and 67-1.) Some difficulties encountered were: lack of cooperation between county and cities and between the District and other county agencies, insufficient funds collected within the five major zones to solve flood control problems, inadequate accounting practices, lack of developer and public acceptance, many appeals for refunds when developments within the county were incorporated into cities, and complaints of inequity that funds collected from development in one area in a zone were applied to solve problems in another area of the zone.

Important elements in the success of a county or city drainage fees program are:

1. Cooperation with County and cities and coordination of fee collection with their building permit processes. Administration of fee collection have to be clearly defined and require a detailed accounting system.

2. Development of a realistic fee schedule. There are two basic components to the process of developing a fee schedule:

   a. Estimating costs of flood control facilities required to protect anticipated development on a watershed basis.

b. Allocating these costs as new development occurs according to some criteria. Examples of allocation criteria are:

   i. per acre fee applied to gross area of the development (e.g., City of Fountain Valley in Southern California). Applying the fee to the gross acreage may discourage lot reduction and open space creation by developers. It would be a fairly easy fee program to administer.

   ii. per acre fee applied to the net area of development, that is, excluding land for public use (e.g., Sacramento County Water Agency). Calculating net areas is time-consuming and would be difficult to administer. Controversy may arise about what areas should be excluded from the fee calculation. Determination of an adequate per acre fee to be applied to net areas requires some certainty about what kind of development is expected to occur in future.

   iii. per lot fee (e.g., City of Saratoga). This criteria would be easily administered, but it is necessary to know what development is expected to occur, i.e. how many lots there are. If a mix of development was anticipated, for example residential and commercial, separate schedules should be worked out. A per lot fee would work best where fairly uniform development is expected to occur.

   iv. per square ft. fee based on building foundation and pavement areas. This has been examined in the past by other water districts but is very time consuming and difficult to administer. Also, detailed knowledge of future development is required to formulate an adequate per square foot fee.

The first three allocation criteria, especially the per acre fees, do not directly relate flooding problems and their solutions to land development. It is not feasible to use the last allocation criteria which does link creation of impermeable area to the fee determination; however, a per acre or per lot fee should at least vary according to the type of development to which it is being applied (e.g., single family homes; apartments or condominiums; commercial, etc.)

Constraints on any fee schedule are:

1. that it be simple and unambiguous enough to minimize administrative confusion, appeals, and permit processing time; and

2. that it provide sufficient funds to cover the program's allocated share of costs of proposed construction (the fee schedule should be periodically updated to allow for inflation of project costs). At the same time, the size of the fee cannot be so large as to actively curtail development.

Potential Problems and Constraints

1. Difficulty in estimation of future development (density and rate), in delineation of exact areas from which development fees will be collected and to what kinds of development the fees will be applied;

2. Difficulty in construction of and agreement on a realistic fee schedule;

3. Establishing and maintaining cooperation with cities and county;

4. Developer acceptance (indicated by number of appeals);

5. There may be long lag time between start of program and collection of sufficient funds in a watershed to address problems. (See "Special Benefit Zones" for the case where private developers front construction money.)

6. Fees are one-time money, not an on-going source of revenues in the long-run; therefore, these fees can be used for capital improvements, but not maintenance.

7. It must be decided what kind of funds the fees can realistically be expected to supply. For example, it is probably not reasonable to expect that drainage fees can supply enough funds for a $10 million project but, depending on what kind of development is expected, they might provide a contribution of 2-3 million.

8. There is a problem of inequity in that new development fees may (most likely will) fund projects which provide benefits to existing development.

9. A city or county drainage fee program would be used to finance projects in their respective jurisdictions. Projects which overlap unincorporated and incorporated areas and benefit both areas require cooperation through the District as a prerequisite for either city or county establishment of a fee schedule.

10. If either the city or county imposes developer drainage fees, rather than both, there are possible effects of the program on annexation to the city, and vice versa. For example, if the county establishes a drainage fee program and the city does not, the developer may ask for a refund if his development is annexed to the city (this was cited as one problem with the District's previous program when the District was still part of the county). On the other hand, if the city establishes a drainage fee program and the county does not, it may cause undesirable land development patterns, and affect annexation of land to the city.

11. District does not control funds; they may be used for smaller drainage projects outside the District jurisdiction unless there is specific planning with the District for flood control projects.

Advantages

1. Direct relationship between the cause of flood control problems (land development) and funding of solutions (flood control facilities).

2. Drainage fees can be used where construction of flood control measures by a single developer are not practical, for example, if there would be downstream impacts such that a large expensive project is required.

3. Can be used to collect sufficient funds from many small developments to do flood control work.

4. Tends to discourage marginal developments in flood-prone areas where costs of protection make developments financially unattractive.

5. Frees District funds for large-scale projects; or, the addition of drainage fee funds may make large-scale projects feasible. In any case, some flood control work may be accomplished sooner than if the District relied on existing sources.

6. The District is not involved with administration and collection of drainage fees. Appeals for refunds or granting of variances to the ordinance would be addressed to the city or county.

Outlook for Use by District

The key to a successful drainage fee program is to limit its application to specific watersheds, and not attempt the broad county-wide application of twenty years ago. Fees collected from development within one watershed would be used to pay for necessary flood control facilities within that watershed, and the fee schedule could vary from watershed to watershed, depending on what developments are expected to occur and how much the facilities are estimated to cost. This is more realistic than attempting to apply one fee schedule to the entire county as was done before, and would ensure collection of sufficient funds to build projects.

The most suitable projects for this method of funding are those in smaller tributary watersheds and contained either entirely in an incorporated area or those entirely in an unincorporated area, which can be funded by fees from anticipated development. This funding source should be considered whenever substantial new development is expected to contribute to flood control problems for which area-wide facilities will be required.

Implementation

The District can identify projects suitable for this method of funding and suggest to the county or city that a drainage fee ordinance be implemented. For example, the City of Saratoga recently imposed flood control and erosion control fees to do work which otherwise the District would have to finance. The ordinance may be a separate, new ordinance or an amendment to an existing subdivision ordinance. The District's involvement in construction of the project may be limited to design and inspection or include actual construction.

Special Benefit Zones

Reimbursement of Private Financing

Description

Under this scheme, a special benefit zone and an agreement between the District, the City and a joint venture of sponsoring private property owners in the special zone are established. The private property owners interested in developing their land advance funds to construct the flood control project and are responsible for design and construction under District supervision and inspection. Upon completion of the project and the establishment of total project costs, a rate per area is established as a reimbursement fee that will be paid by future developers.

The city or county requires future developers protected by the project to pay, as part of the development fee, for that protection. This authority is from the Subdivision Map Act.

A city or county does not need to conduct a vote to get approval of including payment for this protection in the development fee as long as the size of the payment required is commensurate with the benefit provided. Lands tributary to the creek, but upstream of the flood control works, are considered to receive no benefit and cannot be required to pay anything to fund the project.

The reimbursements are collected and/or credited as the various properties develop within the special zone boundaries. The reimbursement fees are collected by the City and appropriate disbursements made to the sponsoring private developers.

The establishment of a special zone is for the purpose of financing initial construction. Operation and maintenance of the project upon completion is from the regular ad valorem taxes of the zone in which the special zone is located. A special benefit zone is not an assessment district such as those provided for by the Municipal Improvement Acts of 1911, 1913 and 1915. Authority to enact these special benefit zones is found in Section 5, Subsection 9, of the District Act. It is similar to the program described under "Drainage Fees" except private developers provide the money for construction. It is similar to the program described under "Developer Constructed Facilities" except the developer is reimbursed by fees collected from further development in the special zone.

This method was used to finance construction of flood control improvements on Norwood Creek. An agreement between the District, the City of San Jose and private developers establishing a special benefit zone (E-3) within the East Zone (E-1) was formed in April, 1973. The agreement and the 1977 amendment giving details of the reimbursement procedure are shown in Appendix H. The sum of money raised for the Norwood Creek project was about $1,400,000, which resulted in an average per acre reimbursement fee of about $2,500. Exhibit A at the end of this section contains the timetable of the Norwood Creek Project.

Advantages

1. District is not involved with collection of fees; City provides necessary equipment and personnel at its own expense.

2. Disputes and requests for refunds are referred to the sponsoring private developers for settlement.

3. Projects may be accomplished sooner than if the District had to accumulate adequate funds. It is also a way to accomplish lower priority projects which are desired by a group of property owners or developers.

4. The sponsoring private developers have responsibility and provide insurance coverage for damages resulting from the District's acquiring or holding title to project property or from the sponsors' construction activities.

5. The sponsoring private developers who provide construction money bear the uncertainty of when reimbursement will be complete.

Disadvantages

1. Establishing the special zone may be difficult. The zone must be within the watershed and within the incorporated limits of the City, if the City is to collect reimbursement fees in the building permit process. This may not cover all areas being developed which are benefitting from flood control work, for example areas in the County.

2. Limited to use in areas where substantial development is still expected to occur (within urban service boundaries).

3. There must be a group of private property owners or developers willing to front construction money.

4. See "Drainage Fees" for other difficulties which may be encountered.

Outlook for Use by District

The previous experience with creation of a special zone for reimbursement of flood control facility construction costs seems to have worked out well. This was a reimbursement program for money fronted by private developers. The method of funding used for the Norwood Creek project is useful and should be kept in mind whenever significant development is expected to occur in a watershed (area is within an urban service boundary) and whenever there are developers and property owners capable and willing to finance construction of facilities.

Moderately expensive projects (not more than $1-3 million) are more likely to be financed and constructed in this manner. Also, the ratio of project cost to total area or total units of development should be reasonable, e.g., not more than $5,000/acre or $1,000/lot for residential developments.

Implementation

The District must pass a resolution establishing the special zone and the terms of the agreement between the parties involved. The District is responsible for the necessary Environmental Impact Report. The sponsoring private property owners are responsible for the cost of engineering design including plans and specifications sufficient to let to bid. A public hearing on the Engineer's Report and plans is held and they, along with the EIR, must be adopted by the District Board. If approved, the sponsoring private property owners finance construction costs. Upon completion of facilities to the satisfaction of the District, title is conveyed to the District who accepts responsibility for maintenance, operation and ownership. With total project costs established, a reimbursement fee per unit area or per lot is calculated. The fees are then collected by the City or County at the time of filing of a tentative or final subdivision map, at the time of approval of those maps, or no later than at the issuance of a building permit. The City or County is responsible for the costs of administering the collection and reimbursment process.

To summarize, each agency would have the following responsibilities:

A. District

- i. Establish a new flood control zone (i.e., the area to be protected by the project) and officially institute the project as a project of the new zone.
- ii. Design project or review the design work of others for acceptibility.
- iii. Prepare the EIR for the project.
- iv. Construct or oversee construction of the project.
- v. Agree to accept the completed facilities and maintain them if they were constructed in conformance with the District approved plans.
- vi. Use its power of condemnation, if necessary, to acquire land needed for the project.
- vii. Determine the unit cost of the project per acre protected; this is the amount that will be charged to developers of protected property.

B. Developer

- i. Design and construct the project itself or have other perform these tasks.
- ii. Accept the responsibility to pay for the design and construction costs with the understanding that they will be reimbursed in the future by other developers for the flood protection provided to the other developers' land.
- iii. Make an initial determination of the total project cost for use in determining the unit cost.

C. City

- i. Agree to require future developers of land protected by the proposed flood control works to pay, as part of the city's development fees, for the protection they receive from the project; the amount paid would be the unit cost of the project times the number of acres protected.
- ii. Transmit all funds collected for this purpose to the developer that built the flood control works.
- iii. Note: If some land protected is outside of jurisdiction of the city then the city will not collect fees from that land.

The Board would have to take the following actions at some time or other.

A. Establish the new flood control zone and define the area to be protected.

B. Approve the contract with city and developer agreeing to what responsibilities each agency has.

C. Approve the EIR and the plans and specifications for the project.

D. Prescribe the unit fee (dollars/acre) to be charged to developers of land in the area pursuant to Section 5 (9) of the Santa Clara County Flood Control and Water District Act.

EXHIBIT A

TIME SCHEDULE FOR FORMATION OF BENEFIT DISTRICT TO FUND FLOOD CONTROL PROJECT ON NORWOOD CREEK

January 2, 1973	San Jose City Council directs City staff to formulate agreements for assessment district.
January 18, 1973	Shapell, District, County, Project Engineer met to discuss: District boundary County involvement EIR Necessary agreements Condemnations
January 30, 1973	Final draft agreement developed among District, City of San Jose, Shapell and others governing formation, funding and operation of assessment district
February 6, 1973	District Board approves agreement
April 17, 1973	Agreement signed by all parties
June 5, 1973	District reviewed draft EIR for Norwood Creek Flood Control Project
July 17, 1973	Public hearing held and final EIR adopted by District Board.
August, 1973	Suit filed to stop project.
October 3, 1973	Construction starts - stopped by court two days later
October 19, 1976	Construction completed
May 24, 1977	The City of San Jose and the District agreed on the amount and method of collection of the fee to be collected from other developers to pay for the protection they receive.

Resource Conservation and Development Grants

Soil Conservation Service

Description

This Soil Conservation Service program provides advisory services and project grants for the planning and installation of approved measures serving purposes such as flood damage prevention, sedimentation and erosion control, public water-based recreation, fish and wildlife developments, agricultural water management, water quality management, and control and abatement of agriculture-related pollution. The purpose of the program is "to assist local people in initiating and carrying out a long-range program of resource conservation and development for the purposes of achieving a dynamic rural community with satisfactory level of income, pleasing environment, and a favorable investment climate attractive to private capital."

Projects carried out must be in an approved Resource Conservation and Development (RC&D) area. These areas are established by the Department of Agriculture in the application process described under "Implementation". RC&D areas usually include more than one county. Some characteristics of RC&D areas are described as follows:

"The proposed project area should be a natural unit in terms of physical and economic conditions. Although the RC&D program is directed primarily toward rural areas, it can include metropolitan counties in the project area. The RC&D approach can help any community where resources have not been developed to their fullest. It is not limited to low income areas. The counties included in a project area should share enough similar characteristics to make planning a reasonable undertaking and the boundaries should be compatible with those of substate planning areas. Endless Mountains of Pennsylvania, the Green Hills of Missouri, and the Color Country of Utah are three such areas, and all three are RC&D project areas."

Constraints

1. Financial constraints: RC&D assistance may be provided for up to 100 percent of construction costs of flood prevention and erosion control measures. Local or state agencies generally must provide for 50 percent of construction costs of agricultural water management, fish and wildlife and recreational structures.

Range of financial assistance is $2,000 to $250,000, and the average is $50,000.

2. Time-consuming application and approval process (see "Implementation") if no RC&D area has been established. Range of approval/disapproval time is indeterminate and depends on rate of receipt of applications and annual rate at which approval may be made as directed by committees of Congress in acting on appropriations for the U.S. Department of Agriculture.

3. Local/State agencies must provide land rights needed for the installation of all measures except for recreation and fish and wildlife developments where financial assistance may be available for up to 50 percent of cost of land rights acquisition.

4. All necessary water rights provided by local sponsors.

5. Operation and maintenance costs are borne by local sponsors.

6. Agency must agree to hold the U. S. Government free from damages resulting from construction.

Outlook for Use by District

Usefulness of this program is limited because:

1. Financial assistance is not significant enough to do typical flood control projects.

2. No RC&D areas have been established which include Santa Clara County, and it would be time-consuming to instigate and follow through with establishing such an area. Manpower required to carry out application process would probably not be justified by the resulting financial assistance.

3. There is an emphasis on the areawide nature of project such that RC&D programs "usually involve more than one county". It is uncertain whether the Santa Clara Valley by itself could be considered a natural physical and economic unit which could be made into an RC&D area, or how the valley would fit into a larger natural unit. Possibly if the South San Francisco Bay Area were made into an RC&D area, part of Santa Clara County would be included.

Implementation

The application process to establish an RC&D program is described in Program Aid No. 1201 issued by SCS as follows:

Step 1. Notification of Intent

Sponsors first send a notice to concerned areawide and state clearinghouses of their intent to apply for RC&D program assistance. The clearinghouses reply if they foresee problems that may affect existing state, areawide, or local plans or programs.

Step 2. Preparing an Application

Sponsors establish an RC&D council to coordinate their activities. If there is an areawide planning agency, the council makes a written agreement with the agency that shows how their respective planning efforts will be coordinated.

Sponsors prepare an application requesting RC&D program assistance. They briefly state their problems, resources, goals, proposed activities, and expected benefits, and describe how they will direct the RC&D program. SCS and other federal and state agencies can help the council prepare the application.

Groups like civic clubs, churches, and chambers of commerce can endorse the application. Then it goes to the governor or his designated agency for endorsement before it is submitted to the SCS state conservationist. He makes recommendations and forwards it to the Secretary of Agriculture.

Step 3. Preparing and Carrying Out the Plan

If the Secretary of Agriculture authorizes RC&D program assistance, the SCS state conservationist names a coordinator to help the council and their committees plan and carry out their RC&D area activities. Citizen participation is a requirement. The coordinator works closely with other federal, state, and local agencies who are helping.

The RC&D plan describes in detail the area, problems, and opportunities. It states the goals and the activities to be adopted to achieve those goals. The plan can be amended later to meet changing needs and.to capitalize on new opportunities.

When the sponsors adopt the plan, it is sent to the governor. After he endorses it, the state conservationist continues RC&D technical and financial assistance if the plan meets program requirements. Sponsors and the coordinator work together to get the cooperation of all state and federal agencies, private groups, and individuals who can help.

Federal agencies are encouraged to provide technical assistance, such as planning and engineering, and financial assistance in the form of cost sharing and loans for eligible projects and measures.

Many RC&D activities are locally financed (not financed with RC&D grants). Some activities, such as flood prevention, erosion control, land drainage, farm irrigation, agriculture-related pollutant control, and public water-based fish and wildife and recreation developments, are often financed through RC&D funds. Cost sharing through the Agricultural Conservation Program (Agricultural Stabilization & Conservation Service) may be available to groups or individuals for conservation work.

It is anticipated that the authorization of this program would take about as much time as authorization of a PL-566 Small Flood Control project (two to four years), and the resulting financial assistance is limited (maximum of $250,000).

VIII. LOCAL FUNDS

This section contains three sources of local funds:

- Ad Valorem Taxes
- Benefit Assessments
- Special Assessment Proceedings
- Community Facilities Districts

The first source, ad valorem taxes, has been the primary method of financing flood damage reduction and stream management activities in the District. With the passage of Proposition 13 in 1978, this source of income was cut more than 55%. In July 1979, Assembly Bill 549 (AB549) was signed into law allowing benefit assessments for flood control services. Assembly Bill 630 (AB 630) was passed in July 1982, superceding AB 549. The District is currently implementing a benefit assessment program which was approved by voters on the June 1982 ballot.

The Special Assessment Proceedings, or assessment bond financing, generate local funds which may be useful for flood control work in a few limited cases. These proceedings are best implemented by cities or the County.

Benefit Assessment restored the Districts operating budget for flood control to about 75% of pre-Proposition 13 levels. The Benefit Assessment Program will be discontinued in June 1991 unless reauthorized by voters.

Community Facilities Districts are areas where special taxes are levied to finance the sale of bonds for capital improvements. This program is less restricted than special assessment proceedings.

Ad Valorem Taxes

To finance its flood damage reduction activities the District collects ad valorum tax allocations from the countywide property tax. This is the primary source of income for administration, planning, construction, maintenance and operation of water resource facilities in the five major flood control zones. This tax is levied on all privately owned land and improvements in each of the five zones. Until 1978, the tax rate could be varied from zone to zone. Since Proposition 13 in 1978, however, the District has received an allocation of the county's 1% tax levy in each flood control zone based on the average zone tax revenues in the three years prior to Proposition 13. Current Board policy has the District spending tax revenues within the zone of origin, although the Board may legally combine zone funds if desired. The following table presents the estimated FY 1984-85 tax allocation to be received in each zone.

Zone	1984-85 Tax Allocation
Northwest	$ 1,303,100
North Central	1,744,500
Central	1,901,600
East	1,823,100
South	308,000
Total	$7,080,300

Proposition 13, on the June 6, 1978 election ballot, was approved by the California voters by a margin of about 2 to 1. This measure, which became Article XIIIA of the State Constitution, limits the property tax rate to $1 per $100 of the full cash value of a property. The impact of this measure on local government has ranged from minimal to devastating. For the Santa Clara Valley Water District, the primary impact has been in the flood damage reduction and stream management program where tax revenues dropped from $9,300,000 in FY 77-78 to $4,400,000 in FY 78-79. Since the property tax provided almost the entire source of funds for the local flood damage reduction and stream management program, this reduction has necessitated that alternative funding sources be examined thoroughly and used as much as possible.

The County Assessor's office allocates total tax revenue, collected under the provisions of Proposition 13, AB 8 and other pertinent Post-Proposition 13 legislation, to the various taxing agencies. The steps invloved in computing the District's share of the County's one percent tax levy in each case are somewhat detailed (and confusing).

The procedure boils down to an annual evaluation of the increase in full cash value of each tax rate area. A tax increment is computed for each tax rate area for each taxing jurisdiction — in our case the District. The tax increments are added up in each zone and this sum is added to the base year (previous year) revenue.

The factors which relate District revenue to full cash value (land plus improvements) can be computed in each zone by using current estimates of District income and full cash value in each zone. Using the Assessor's data estimate of November 13, 1980 the computation of these factors goes as follows:

Zone	Revenue		Full Cash Value		Factor
NW	1,303,100	/	8,133,175,695	=	.000160220
NC	1,744,500	/	13,894,980,623	=	.001255489
C	1,901,600	/	14,549,587,070	=	.001306979
E	1,823,100	/	8,988,542,722	=	.000202825
S	308,000	/	1,793,428,920	=	.000171738

These factors when multiplied directly by full cash value, will give the District's share of total tax revenue. The $1 per $100 of full cash value tax rate is already accounted for in these factors.

Benefit Assessments

(AB 630 Assessments)

Description

Assembly Bill 630 was passed in July 1982 and supercedes the original Benefit Assessment legislation in AB 549.

A complete description of this program is contained in Stan Wolfe's January 1981 report entitled AB 549 Benefit Assessment for Flood Management in Santa Clara County. The levying of a benefit assessment for flood control services is authorized by Chapter 10 (commencing with Section 60400), Division 2, Title 6, California Government code. This chapter was added to the statutes by Assembly Bill 549 (Frazee), and was signed into law by Governor Brown on July 16, 1979. The AB 630 legislation supplements Section 60400 and revises the legal requirements for establishing future flood control benefit assessments. Any future assessment programs must follow requirements of AB 630.

The purpose of benefit assessment is to supplement other available but limited revenues sufficiently to keep the existing flood protection system in a safe and effective condition, to perform maintenance and repair, to provide for needed new flood control construction and in general to provide all flood control services to the public.

Unlike taxes based upon property value, this program levies an assessment to each parcel of land within the five flood control zones based upon the benefit each receives from flood damage reduction measures. The benefit assessment enabling legislation permits the benefit to be determined based upon the proportional stormwater runoff from each parcel. To accomplish this, the following five categories of land use and their runoff factors have been adopted.

	Land Use Category	Runoff Factor
A.	Commercial and industrial	.8
B.	Apartments, schools, high density residential	.6
C.	Single family residential, small multiple (2-4 units)	.4
D.	Disturbed agricultural	.005
E.	Undisturbed agricultural, salt ponds	.003

Under AB 630, voters must approve the assessments before assessments may be collected.

Benefit assessment programs need not be Districtwide, but may be instituted in one flood control zone or a portion of a flood control zone defined as a benefit assessment area. The procedure for implementing a benefit assessment in a smaller area is the same as that which must be followed for a Districtwide program. Property owners in the area to be assessed must approve the benefit assessments in a special election, or in a general election which has a benefit assessment ballot measure.

Constraints

There are no constraints on the use of assessment funds; however, it is advised by the District's Counsel that they be expended within the flood control zone in which they are raised. Other constraints on the program adopted by the District's Board of Directors are that there is to be a two percent limit on any future annual benefit assessment rate increases and the program is to be discontinued in ten years (following June 81 adoption) unless voters approve continuation.

Yearly program maintenance activities include filing a report with the Clerk of the Board, conducting a public hearing before the Board, adoption of an ordinance and resolution by the Board, delivery of an updated assessment roll to the Auditor-Controller, and collection of assessment along with the tax collection.

Advantages

1. Since AB 630 assessments are not taxes, funds collected are not subject to the limitations of Proposition 13, AB 8 or Proposition 4, which deal with restrictions on collection of property taxes, allocation of property tax revenues among local agencies, and the local agency appropriation limit for proceeds of taxes, respectively.

2. A significant source of revenues is available for flood damage reduction activities. The level of assessments can change with inflation and needs by resolution of the District's Board of Directors (two percent annual increase as specified in "Constraints").

3. Revenues are not restricted to certain uses, and can be applied to maintenance and operation, design and construction or administration of a flood damage reduction program.

Outlook for Use by District

This method of funding has a high potential to provide a very significant and continuing source of revenue for an active flood damage reduction program.

The January 1981 report written by Stan Wolfe, AB 549 Benefit Assessment for Flood Management in Santa Clara County, recommended the levying of an assessment on each parcel of real property, except real property owned by a federal, state or local government agency. The assessment as adopted is levied in proportion to benefits received, that is, on the basis of proportionate storm water runoff from each parcel. As adopted, the assessment per average family residence is uniform countywide. Nothing would prevent adjusting these rates such that they are different in each zone.

The District is currently collecting assessment revenues for Fiscal Year 1984-85.

In FY 1984-85, approximately $7 million will be raised from the benefit assessment program. By zone this breaks down as follows:

Zone	1984-85 Benefit Assessment Revenue
Northwest	$1,123,000
North Central	1,827,000
Central	2,124,000
East	1,555,000
South	322,000
Total	$6,951,000

These revenues are used to supplement tax revenues in each zone. Tax revenues were cut more than 55 percent in 1978 after passage of Proposition 13. Even with these supplemental funds, the District's flood control operating budget is at 75 percent of pre-Proposition 13 levels.

Until the adoption of the benefit assessment program in June 1981, the Northwest and North Central flood control zones had separate taxes - in addition to the allocation of the County's one percent tax levy - for repayment of bonded indebtedness. The Board of Directors discontinued the bond tax levy in these zones and the bond debt service is now paid from the zones' allocation of the one percent tax.

In addition to the general Districtwide benefit assessment program, the possibility of using benefit assessments in the South Zone to finance improvements on individual creeks is being investigated.

Implementation

In accordance with the authorizing legislation, implementation of a benefit assessment requires the following actions, all but the last of which (the required election) would be required annually.

- o Filing a report by District staff with the Clerk of the Board;
- o Notice of hearing published and posted;
- o Public hearing before the Board of Directors;

- Adoption of Ordinance and resolution by Board of Directors;
- Delivery of assessment roll to the Auditor-Controller;
- The assessment shall be put to the voters.

Special Assessment Proceedings

Description

Special Assessment Proceedings, or assessment bond financing, refer to the following three Acts: The Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915.

The three subject Acts are viable means for financing public capital improvement projects through assessment bonds. The Acts are most often used today for constructing streets, curbs, gutters, sidewalks, sanitary sewers, sewage treatment facilities, and water systems. Flood control and storm drain projects have less straight forward application under these Acts becuase of the difficulty of demonstrating a "special" benefit to the assessed parcels.

In general, the procedures involve producing plans and specifications for the project, estimating project costs, establishing the boundaries of the assessment district containing all parcels which would be specially benefitted by the project, spreading the assessment to the benefitted parcels by some logical and fair method and conducting an adequately noticed hearing at which the engineer's report and assessment spread is presented, and the assessment is approved.

Bonds are then sold to pay for the construction project. The assessments are used to repay the principal and interest on these bonds. Assessment bond financing can also be used to acquire facilities which have been previously constructed.

Assessments established legally under the 1911, 1913 and 1915 Acts are not taxes and are not subject to Proposition 13 limitations (County of Fresno vs. Malmstrom, 94 C.A. 3d 974). However, without a direct demonstrable economic return to the owner, assessments were seen by the San Mateo courts to be a special tax.

Some important features, similarities and differences of the Acts are as follows:

1911 - California Streets and Highways Code, Sections 500 and following.

- Provides for procedure and bonds
- Construction is done first, then assessments are levied (for this reason, courts more readily uphold validity of 1911 assessments).
- 1911 bonds may use 1913 procedure. In these cases, assessments are levied before construction.
- Bond holders must consent to any lot splits or subdivisions of assessed parcels, making 1911 procedure cumbersome.
- Assessments are collected by separate mailed statements, not on semi-annual tax statements.

1913 - California Streets and Highways Code, Sections 10000 and following.

- Provides for procedure only, no bonds
- Because it permits assessments to be levied before construction, it is more popular than 1911 Act (provides for interim financing).

1915 - California Streets and Highways Code, Sections 8500 and following.

- Provides for bonds only, no procedure
- In combination with 1913 procedure, permits assessments first, then construction
- Conducive to future subdivision of assessed parcels (segregation of assessments)
- Assessments collected on semi-annual tax statements, not separate statements

A situation in which it might be shown that properties receive special benefit from flood control work is if the flooding problem is frequent and causes some health problem or access problem (for example, a ponding situation causing odors, mosquitos). It is very difficult to show that properties receive special benefit when potential flood damages are reduced by a project.

Constraints

1. A special benefit must be shown to the assessed properties; that is, the properties must demonstrably increase in property value because of the public work financed by assessment proceedings. In Harrison vs. Board of Supervisors of San Mateo County, (44 C.A. 3d 852), it was found that special benefit is difficult to establish for storm drain projects which relieve local flooding.

2. Post project operation and maintenance costs do not qualify for assessment financing under the 1911, 1913 and 1915 Acts because of the tax limitations of Proposition 13. The Harrison case noted that maintenance is of general benefit to a community - not special benefit to properties adjoining the project - and so any assessment for that activity is really a tax. In the case of general law cities and counties, there is no present means to form maintenance districts, except lighting districts. Charter communities have more latitude in managing their municipal affairs and so can have maintenance assessment capabilities, if their charters so provide.

3. Charter cities and counties may have more latitude in establishing assessment districts and maintenance districts if their charters have the appropriate provisions.

Outlook for Use by District

The District does have the legal capability to implement 1911, 1913 or 1915 assessment district financing. However, because of the capabilities available to local charter cities (Gilroy, Mountain View, Palo Alto, San Jose, Santa Clara and Sunnyvale) and to the County of Santa Clara (a charter county), flood control projects to be financed through assessment bond financing would best be accomplished by these cities (and county) than by the District. Unless the charters of these entities address assessment district financing, their capabilities would be governed by general law.

MELLO ROOS COMMUNITY FACILITIES ACT OF 1982

Description

This legislation provides an alternative method of financing certain public capital facilities and services in developing areas. When approved by a 2/3rds vote, a Community Facilities District is formed and a tax levy is authorized. This tax levy may be used to secure bonds to fund construction of public facilities within the District.

Unlike special assessment proceedings described in the proceeding section, Community Facilities Districts are not limited to charter cities and counties, may provide for operation and maintenance of facilities, and are created by a 2/3rds vote of the affected property owners. A tax imposed pursuant to this Act is a special tax and not a special assessment, and there is no requirement that the tax be apportioned on the basis of benefit to any property. However, a special tax levied pursuant to this chapter may be on or based on benefit received by parcels of real property, the cost of making facilities or authorized services available to each parcel or other reasonable basis as determined by the legislative body. A special tax apportioned on any of these basis shall not be construed to be on or based upon the ownership of real property.

Proceedings for the establishment of a Community Facilities District can be instituted by the initiative of a legislative body, or governing board of any local agency, a written request by two members of such a body, or by a petition signed by 10% of the registered voters or landowners within the proposed District. Proceedings are instituted by the adoption of a resolution of intention to establish the District which specifies the name and location of the proposed District, finds its creation necessary, identifies the source of fund for the proposed construction and fixes a time and place for a public hearing.

A report must be prepared and be made a part of the record of the hearing. The report must contain a basic description of the proposed facilities and services and the estimated cost of those facilities.

If a majority of registered voters or landowners file written protest against the establishment of the District, the establishment of the proposed District will be abandoned.

The formation of the proposed District and any associated special tax levies must be submitted to the qualified electors of the proposed Communities Facilities District in the next general election or in a special election to be held at least 90 days but not more than 180 days following the close of the public hearing.

Outlook for Use by this District

This District is authorized to establish a Community Facilities District pursuant to this act. A Community Facilities District would be a viable means of financing the construction and maintenance of flood control facilities where community support is strong and where other funds are not readily available. If this District were to initiate the proceedings to form a Community Facilities District, then this District would most likely administer the proposed projects.